

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

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LAWRENCE K. BAERMAN, CLERK
ALBANY

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹

Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY, WI, WY:

Grand Jury, Sovereigns of the Court

We the People

- Against -

Governor A. Cuomo, et al

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴ (see form 7 attached)

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

**INFORMATION
BRIEF CLARIFYING THIS
EXTRAORDINARY PROCEEDING**

The purpose of this Memorandum is in support of an extraordinary response to extraordinary events designed by NWO subverts executed by power hungry tyrants to abolish our American Republic and trodden underfoot the laws of nature's God through unlawful legislation and unjust courts in jurisdictions unknown. Whereas statutory prisons (many for profit) have been and continue to be constructed in order to imprison and enslave **We the Free People** of these **United States of America**.

¹ **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of **We the People** to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A **Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

This Extraordinary Action at Law is not unlike the unanimous Declaration of the thirteen colonies of America, where we read concerning “*when in the Course of human events, it becomes necessary for one people to (execute an extraordinary response and secure the powers) assumed among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, (as we declared) ... We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed... (and) When a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is (We the Peoples’) right, it is their duty, to throw off such (despots), and to provide new Guards for their future security.--Such has been the patient sufferance of these (United states); and such is now the necessity which constrains them to (impeach through congress or indict the tyrants and subverts in this court of record)--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter it, and to institute new (servants), laying its foundation on the Declaration of Independence, Constitution for the United States of America and its capstone Bill of Rights that rest upon such principles and organizes its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*”

Congress, who has the power to restore our Republic by impeaching these judicial tyrants for “bad behavior”, that is to say violate their oath by serving and protecting the NWO.

... The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, ... Article III, Section 1

Therefore, since congress refuses to perform their constitutional duty by impeaching these tyrants; ~~We the People~~ through the Grand Jury as the ~~Sureties~~ of ~~Peace~~ will remove them by way of indictments.

Article IV, Section 4. “*The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;*”

Therefore, at this time, ~~We the People~~ have chosen a court of record in our Article III Court, as the venue to restore Justice; before they “*come with gun to take our guns*”⁵, see

Memorandum of Law in Support of Amendment II, dated March 1, 2017, attached.

⁵ Congressman Ron Paul

Because of subversion of the Law by some and ignorance of the Law by most; this brief will act as a vehicle to convey to the court the essential facts and the law of this case⁶. It is prepared to serve as the basis for a position upon a cause and information of this court for instruction and guidance of the trial. It contains, in general, all the information necessary to enable this case to proceed. ~~We~~ the People are not requesting that a court follow a new course of action, we have already ordained and established a particular course of action under Article III and, because the judiciary has subverted American Justice, ~~We~~ the People are reestablishing it which is our unalienable right.

BAR taught attorneys will try and claim that the People are not educated to take control of the courts whereas:

- Black's Law defines a Court as *"the person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority."* - Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070;
- Thomas Jefferson said: *"I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."*
- *"Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty."* - Thomas Jefferson
- *"An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens."* - Thomas Jefferson.

⁶ Bell v. Germain, 12 Cal.App. 375, 107 P. 630.

- Since government has removed a proper education in our schools, NLA has taken on the role of educating the People as we move to bring a proper education back into our schools.
- *"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."* - Thomas Jefferson
- Common law courts find their roots in Mosaic Law going back some thirty five hundred years without judges but with tribunals (juries) and magistrates (administrators) and when a magistrate was unavailable, the sheriff or the coroner would take the administrators role. Under common law, judges and prosecutors never controlled the courts, the People did.

BAR taught attorneys will try and claim that the Common Law has been abrogated. But the truth is that, common law was established as the foundation of American Law when we called upon "the Laws of Nature and of Nature's God" in the Declaration of Independence; it is an unalienable right protected under the 7th Amendment and therefore can never be abrogated, it is the Law of the Land.

The conspiracy to abrogate the common law found its repugnant beginnings in schools where the subversive BAR curriculum and propaganda indoctrinated most BAR taught lawyers and Judges who have become the minions of the NWO; see Memorandum of Facts, dated December 13, 2016, attached.

BAR taught attorneys will try and claim that the People don't have the authority or the education to call forth and council the Grand and trial juries; see Memorandum of Law in Support of the Authority Grand Jury, dated January 9, 2017, attached.

- We the People called forth the first known Grand Jury and succeeded – Magna Charta
- We the People Declared our Independence and succeeded – Declaration of Independence
- We the People formed committees of safety through which we defeated tyrants and won our independence.
- We the People wrote, ordained and established the Constitution – federalist and antifederalist papers.
- We the People will succeed in returning Law and Order back into our courts.

Amendment VI protects the unalienable right to have the Assistance of Counsel, not a "REQUIRED BAR ATTORNEY" which was formed in America during the early 1900's. In short, ~~We~~ the ~~People~~ are the authors of law and creators of the United States of America; not the ARROGANT BAR.

BAR taught attorneys will try to arrogantly claim that ~~We~~ the ~~People~~ have no standing in "their court". In law, standing or locus standi⁷ is the term for the ability of a party to demonstrate to the court sufficient connection to and harm from the law or action challenged to support that party's participation in the case. ~~We~~ the ~~People~~ have never been more harmed; see Memorandum of Law in Support of Standing, dated April 17, 2017, attached.

In criminal cases, courts proceed under unconstitutional statutes and codes and give the appearance of proceeding in the name of the People, (example) People or United States v Individual or Group, when in fact they represent the will of Government and/or Corporate America; but never the People. These courts operate lawlessly in jurisdictions unknown. They give the appearance of jury indictments and jury trials; while the judge and prosecutor stack and corrupt the juries by leading them to believe statutes are law and that they must follow the strict interpretation of the law as defined by the prosecutor to indict and the judge to convict. Any jurist that tries to nullify the law is threatened with criminal charges. The whole process is orchestrated to achieve the desired outcome that serves the status quo of corporatism and not Justice; see Memorandum Jury Tampering and Stacking, dated January 9, 2017, attached.

The United States of America was founded upon the Declaration of Independence, the Constitution for the United States of America and the Bill of Rights; see Memorandum of Law in Support of Understanding Our Founding Documents, dated January 9, 2017, attached. These three documents define American Law founded under Natural Law, *Lex Naturale*, the law of nature, *Jus Naturale*, "it is absolute law, the true and proper law of nature" a/k/a "common law as distinguished from law created by the enactment of legislatures;" see Memorandum of Law in Support of the Common Law, dated April 17, 2017, attached.

⁷ LOCUS STANDI: A place of standing; standing in court. A right of appearance in a court of justice, or before a legislative body, on a given.

The purpose of this Extraordinary Proceeding is to open and reestablish Article III Courts thereby returning Justice to the Federal District Courts; see Memorandum of Law in Support of Article III Courts, dated January 9, 2017, attached.

Nature's God is the author of Common Law and ~~We~~ the Sovereign People are the authors of all Constitutional Law by right of the covenant of 1776⁸ (government by consent), 1789⁹ (ordained by the People) and 1791¹⁰ (Declaratory and restrictive clauses added to prevent misconstruction or abuse of its powers; see Statement of Jurisdiction, dated December 13, 2016, attached.

This is a necessary extraordinary criminal action concerning subversion by enemies both foreign and domestic within our government, including our federal judiciary. ~~We~~ the People have been providentially provided legal recourse to address the criminal conduct of persons themselves entrusted to dispense justice; see Jurisdiction Notice to Magistrate, dated January 5, 2017, attached.

The unalienable right of the sovereign People to self-governance was ordained by God, established in the Declaration of Independence and ordained by ~~We~~ the People who are the authority of all law; see Memorandum in Support of Jurisdiction, dated January 13, 2017, attached.

It has been our experience, and we have much evidence to produce, that both the Federal and State Judiciaries are at war with the Constitution and ~~We~~ the People, and are engaged in covering up murder; torture; manipulating evidence, witnesses and juries in order to incarcerate innocent People who are a threat to exposing judicial and law enforcement corruption and RICO on a national level; conspiracy to supplant the Law of the Land with statutes thereby, replacing our Republic with Corporatism; incarcerating inventors and or covering up the murder of inventors who are a threat to corporate profits, denying due process; robbing Peoples' homes and estates; taking Peoples children; debtors prison, covering up and protecting pedophile rings, etc.; etc. and etc...

~~We~~ the People have filed Informations; demands to obey the Law. We have delivered scores of Habeas Corpuses, Informations, Non-Judicial Foreclosures, Show Causes and Indictments that have been methodically removed, concealed and ignored in our Article III Federal District Courts. Therefore, ~~We~~ the People opened this Court of Record which will

⁸ Declaration of Independence

⁹ Constitution for the United States of America

¹⁰ Bill of Rights

proceed as an Article III Court as defined by the Constitution where the Grand Jury will take its proper role as sureties of the peace, not plaintiffs, but "next friends" on behalf of the plaintiffs. In other words, "The People v Tyrants", to ensure justice through criminal indictments and trials. We will call forth untainted juries and prosecute.

On May 1, 2017 President Donald J Trump made the following Proclamation:

"Today, we celebrate Law Day, as we have since President Dwight D. Eisenhower first commemorated it in 1958, and reflect upon our great heritage of liberty, justice, and equality. Our Founders risked their lives, fortunes, and sacred honor in defense of these values. More than 240 years ago, they set pen to paper and declared to the world "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." The Declaration of Independence thus set our Nation on its revolutionary and transformative path to protecting people's inherent, individual rights and liberties from the tyranny of an elite few who might use the powers of the state to trample upon them.

To protect the values for which they fought, the Framers of our Constitution created a government of limited and separated powers that enables the rule of law to prevail over the whims of government officials. As the great Justice Antonin Scalia frequently observed, every dictatorship has a bill of rights, but paper rights alone will not preserve liberty. It is our Constitution's clear division of the sovereign's power vesting the power to create laws in the Congress, the power to execute laws in the President, and the power to interpret laws in an independent judiciary that enables us to remain free and in control of our government.

Recognizing, as President Ronald Reagan did, that "freedom is never more than one generation away from extinction," today we pay tribute to the government of laws, and not of men, that forms the foundation of our freedom. Therefore, on this Law Day, we rededicate ourselves to the rule of law, to the separation of powers, and, in the words of President Abraham Lincoln's Gettysburg Address, to the preservation of "government of the people, by the people, for the people."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87-20, as amended, do hereby proclaim May 1, 2017, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first." - DONALD J. TRUMP

We have been sharing our court papers with President Trump while he was campaigning and after his election as president. We have watched his first 100 days in office and have

thus far concluded that he is a patriot and genuinely believes in the "*preservation of government of the people, by the people, for the people*" through the law.

President Trump, after choosing Jeff Sessions for Attorney General, said, "*He will be a great protector of the people.*" On February 9, 2017 Attorney General Sessions then took an oath to "*protect and defend the Constitution*". As aforementioned, President Trump rededicated himself and his administration to the rule of law and therefore, we will be sending a copy of these papers to Attorney General Sessions and President Trump for Action. We will call upon Attorney General Sessions to send U.S. Prosecutors educated in the common law to work with the Common Law Grand Jury to prosecute our indictments in this Court of Record, which will be the beginning of restoring Justice in our courts.

America will NEVER be Great Again unless America is Just and America will only be as Just as its Justice System.

SEAL

DATED: May 11, 2017


Grand Jury Foreman

Copied: Attorney General Sessions, President Donald Trump,
U.S. Representative Trey Gowdy and U.S. Representative Jason Chaffetz

Attachments: Memorandum of Law in Support of Amendment II
Memorandum of Facts
Memorandum of Law in Support of the Authority Grand Jury
Memorandum of Law in Support of Standing
Memorandum Jury Tampering and Stacking
Memorandum of Law in Support of Understanding Our Founding Documents
Memorandum of Law in Support of the Common Law
Memorandum of Law in Support of Article III Courts
Statement of Jurisdiction
Jurisdiction Notice to Magistrate
Memorandum in Support of Jurisdiction

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Unified United States Common Law Grand Jury¹

Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MI, MA, MN, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY

Grand Jury, Sovereigns of the Court

We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate
Majority Leader John J. Flanagan and
N.Y.S. Assembly Speaker Carl E. Heastie

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT II

Memorandum in Support of Amendment II

*"A well-regulated Militia, being necessary to the security of a free State,
the right of the people to keep and bear Arms, shall not be infringed."*

*"Necessity is the plea for every infringement of human freedom. It is the argument
of tyrants; it is the creed of slaves." -- William Pitt the Younger*

¹ The UUSCLGJ is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

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"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." -- Benjamin Franklin⁴

DISARMAMENT IN THE NAME OF INTERNATIONAL SECURITY

20

ACTS OF TREASON;

On September 25, 2013 in an act of war against the unalienable rights of the People protected by Amendment II, against the will of ~~We~~ the People and without the consent of Congress, Secretary of State John Kerry committed treason by signing the United Nations Arms Trade Treaty thereby surrendering the Peoples' unalienable rights protected by the Second Amendment to foreign powers, inimical to liberty.

On September 24, 2014 while addressing the U.N. General Assembly concerning the United Nations Arms Trade Treaty; in an act of war against the unalienable rights of the People protected by Amendment II, against the will of ~~We~~ the People President Obama said: *"All nations must meet our responsibility to observe and enforce international norms"* thereby yielding his oath of office to foreign powers.

On December 24th 2014, Christmas Eve, the United Nations Arms Trade Treaty became binding on the nations that have ratified (signed by John Kerry). Under fiction of law⁵ the treaty provides the basis for additional gun regulations in America under the guise of necessity.

WHY GOVERNMENTS DISARM PEOPLE

A LEAGUE OF EVIL - The following statistics were reported in the September 11th, 1999, issue of The Economist magazine, page 7, titled "A League of Evil."⁶

a. 1915-1917 Ottoman Turkey banned gun possession, and then targeted Armenians (mostly Christians) and killed 1-1.5 million people.

⁴ Historical Review of Pennsylvania, 1759.

⁵ **FICTION OF LAW:** *"Something known to be false is assumed to be true."* Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621 *"That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land."* -- Hoke vs. Henderson, 15, N.C.15, 25 AM Dec 677.

⁶ **Original source:** Death by "Gun Control", by Aaron Zelman and Richard W. Stevens; Mazer Freedom Press, Inc; January 1, 2001.

- b. 1929-1945 Soviet Union banned gun possession, and then targeted political opponents and farming communities, killing 20 million people.
- c. 1933-1945 Nazi Germany (and occupied Europe) banned gun possession, and then targeted political opponents, Jews, Gypsies and critics killing 20 million people.
- d. 1927-1949 Nationalist China banned private ownership of guns, and then targeted political opponents, army conscripts, and others, killing 10 million people.
- e. 1949-1952; 1957-1960; 1966-1976 Red China instituted the death penalty for supplying guns to "counter-revolutionary criminals" and anyone resisting any government program, and then targeted political opponents, killing 20-35 million people.
- f. 1960-1981 Guatemala banned gun possession, and then targeted Mayans, other Indians, and political enemies, killing 100,000-200,000 people.
- g. 1971-1979 Uganda registered gun owners, instituted warrantless searches, and then targeted Christians and political enemies, killing 300,000 people.
- h. 1975-1979 Cambodia registered gun owners and then targeted educated persons and political enemies, killing 2 million people.
- i. 1994 Rwanda registered gun owners and then targeted the Tutsi people killing over 800,000.
- j. Unarmed people have no defense against a "demonical" government. In the 20th century alone, governments killed a total of 262 million civilians. -- Nobel Peace Prize finalist R.J. Rummel in an update to statistics originally presented in his *Death by Government*, Transaction Publishers, 1994.

THE CONCLUSION IS INESCAPABLE

"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner". -- Report of the Subcommittee on The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y4.J 89/2: Ar 5/5

75 *"In recent years it has been suggested that the Second Amendment protects the*
"collective" right of states to maintain militias, while it does not protect the right of
"the people" to keep and bear arms. If anyone entertained this notion in the period
during which the Constitution and the Bill of Rights were debated and ratified, it
remains one of the most closely guarded secrets of the eighteenth century, for no
80 *known writing surviving from the period between 1787 and 1791 states such a*
thesis". -- Stephen P. Halbrook, "That Every Man Be Armed": The Evolution of a
Constitutional Right (revised and updated), p. 91; UNM Press, 2013

"Americans have the will to resist because you have weapons. If you don't have a
gun, freedom of speech has no power." -- Yoshimi Ishikawa, Japanese author and
social commentator, quoted in "Japanese Overcome Culture, Vent Outrage Over
85 *Scandal: Politics: Public anger drives a kingpin from Parliament--in contrast to*
society's usual passivity," Los Angeles Times, October 15, 1992

"Whether the authorities be invaders or merely local tyrants, the effect of such
laws [gun control] is to place the individual at the mercy of the state, unable to
resist." -- Robert Anson Heinlein, 1949

90 *"In the Militia Act of 1792, the second Congress defined 'militia of the United*
States' to include almost every free adult male in the United States. These persons
were obligated by law to possess a firearm and a minimum supply of ammunition
and military equipment. This statute, incidentally, remained in effect into the early
years of the [20th] century as a legal requirement of gun ownership for most of the
95 *population of the United States. There can be little doubt from this that when the*
Congress and the people spoke of a 'militia', they had reference to the traditional
concept of the entire populace capable of bearing arms, and not to any formal
group such as what is today called the National Guard. The purpose was to create
an armed citizenry, which the political theorists at the time considered essential to
100 *ward off tyranny. From this militia, appropriate measures might create a 'well-*
regulated militia' of individuals trained in their duties and responsibilities as
citizens and owners of firearms. If gun laws in fact worked, the sponsors of this
type of legislation should have no difficulty drawing upon long lists of examples of
crime rates reduced by such legislation. That they cannot do so, after a century
105 *and a half of trying, they must sweep under the rug the southern attempts at gun*

control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976 establishes the repeated, complete and inevitable failure of gun laws to control serious crime. "Immediately upon assuming chairmanship of the Subcommittee on the

110 Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the

115 subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make

120 suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends

125 of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear — and long-lost — proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms." -- Senator Orrin Hatch,

130 January 20, 1982, in a preface to the Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y 4.J 89/2: Ar 5/5

"Those who are trying to read the Second Amendment out of the Constitution by claiming that it's not an individual right or that it's too much of a safety hazard

135 [are] courting disaster by encouraging others to use the same means to eliminate portions of the Constitution they don't like." -- Alan Dershowitz, Harvard Law professor, quoted in the Capitalism magazine article, "The Second Amendment Strikes Back," by Larry Elder, June 3, 2002

140 *"Seventy-four percent of the illegal gun owners commit street crimes, 24 percent*
commit gun crimes, and 41 percent use drugs. Boys who own legal firearms,
however, have much lower rates of delinquency and drug use and are even slightly
less delinquent than non-owners of guns. "The socialization into gun ownership is
also vastly different for legal and illegal gun owners. Those who own legal guns
have fathers who own guns for sport and hunting. On the other hand, those who
145 *own illegal guns have friends who own illegal guns and are far more likely to be*
gang members. For legal gun owners, socialization appears to take place in the
family; for illegal gun owners, it appears to take place 'on the street.'" -- U.S.
Department of Justice, Office of Justice Programs, Office of Juvenile Justice and
150 *Delinquency Prevention, NCJ 143454, "Urban Delinquency and Substance Abuse:*
Research Summary," p.18, March 1994

155 *"A historical examination of the right to bear arms, from English antecedents to*
the drafting of the Second Amendment, bears proof that the right to bear arms has
consistently been, and should still be, construed as an individual right." -- U.S.
District Judge Sam R. Cummings, Memorandum Opinion in United States of
America vs. Timothy Joe Emerson, March 30, 1999

160 *"No matter how one approaches the figures, one is forced to the rather startling*
conclusion that the use of firearms in crime was very much less when there were
no controls of any sort and when anyone, convicted criminal or lunatic, could buy
any type of firearm without restriction. Half a century of strict controls on pistols
has ended, perversely, with a far greater use of this weapon in crime than ever
before". -- Colin Greenwood, in the study "Firearms Control", 1972

165 John R. Bolton, as United States Under-Secretary for Arms Control and
 International Security, urged the United Nations in 2001 to recognize how an
"oppressed non-state group defending itself from a genocidal government" will
 need ready access to firearms. Mr. Bolton may have been the first U.S. official in
 modern history to argue before the UN that private citizens might need to be armed
 against their own killer governments.⁷

⁷ John R. Bolton, Plenary Address to the UN Conference on the Illicit Trade in Small Arms and Light Weapons, at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; July 9, 2001.

Governments have murdered four times as many civilians as were killed in all their international and domestic wars combined.⁸ How could governments kill so many people? The governments had the power. The people, the victims, were unable to resist, because the victims were unarmed.

History clearly teaches that every government that moves towards gun control ends up killing the people who disagree with it. Disarmed people are neither free nor safe; rather they become the criminals' prey and the tyrants' playthings. When people are defenseless and their government goes rogue, thousands and millions of innocents die.

"Both oligarch and tyrant mistrust the people, and therefore deprive them of arms." -- Aristotle⁹

"When the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man [Sir William Keith], who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually, by totally disusing and neglecting the militia." - George Mason¹⁰

"Before a standing army can rule, the people must be disarmed, as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole of the people are armed, and constitute a force superior to any band of regular troops," Noah Webster¹¹

"Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun' -- Mao Tse-tung¹²

⁸ September 11th, 1999 issue of The Economist magazine, page 7, titled A League of Evil.

⁹ Politics: A Treatise on Government, Book V; translated from the Greek of Aristotle by William Ellis, A.M.; J M Dent & Sons Ltd. (London & Toronto) & E. P. Dutton & Co. (New York), 1912.

¹⁰ The Debates in the Several State Conventions on the Adoption of the Federal Constitution..., Vol. III, 2 ed, Jonathan Elliot (ed.), p.380; J. B. Lippincott & Co. (Philadelphia), 1881.

¹¹ "An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia, with Answers to the Principal Objections That Have Been Raised Against the System, by a Citizen of America," p. 43; Prichard & Hall, in Market Street, the second door above Laetitia Court; January 1787.

¹² Mao Tse-tung inadvertently endorsing the Second Amendment in a speech at the sixth plenary session of the Central Committee of the Communist Party; November 6, 1938; later published in Selected Works of Mao Tse-tung, vol. 2, p. 272, 1954.

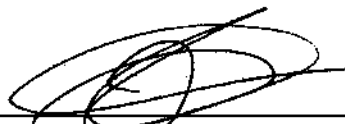
"The most foolish mistake we could possibly make would be to permit the conquered Eastern peoples to have arms. History teaches that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so". Hitler¹³

195 In a radio interview with Walton and Johnson, January 17, 2013 Ron Paul said:
"They will come with their guns to take our guns." In 1962 President John F.
Kennedy said *"Those who make peaceful revolution impossible will make violent
revolution inevitable"*¹⁴. He went on to say: *"Today we need a nation of minute
men; citizens who are not only prepared to take up arms, but citizens who regard
200 the preservation of freedom as a basic purpose of their daily life and who are
willing to consciously work and sacrifice for that freedom."*

SEAL

Dated March 1, 2017

205


Grand Jury Foreman

¹³ April 11 1942; quoted in "Hitler's Table-Talk at the Fuhrer's Headquarters 1941-1942," Dr. Henry Picker, ed., Athenaum-Verlag, Bonn, 1951.

¹⁴ March 13, 1962 President John F. Kennedy Address on the First Anniversary of the Alliance for Progress *Public Papers of the Presidents* – John F. Kennedy (1962), p. 223.

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President, Elect;
State Governors (50); U.S. Supreme Court
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490
Magistrate: Lawrence E. Kahn

MEMORANDUM OF FACTS

PROCLAMATION OF COMMON LAW

In 1775, Colonial "Militiamen"⁵, a/k/a **We the Sovereign People**⁶, took up arms against the British troops of the tyrant king George for subversion of the unalienable rights of **We the Sovereign People**. On July 4th 1776, **We the Sovereign People**, in a Declaration of Independence, dissolved the political bands with Britain proclaiming: "*When in the*

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

⁵ **MILITIA:** The body of citizens in a state, enrolled for discipline as a military force, but not engaged in actual service except in emergencies, as distinguished from regular troops or a standing army. Ex parte McCants, 39 Ala. 112; Worth v. Craven County, 118 N.C. 112, 24.

⁶ **SOVEREIGN PEOPLE:** The political body, consisting of the entire number of citizens and qualified electors, who, in their collective capacity, possess the powers of sovereignty and exercise them through their chosen representatives. Scott v. Sandford, 19 How. 404, 15 L.Ed. 691.

Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." In this Proclamation, ~~We~~ the Sovereign People laid the foundation of our Constitution calling upon our creator, acknowledging the covenant with God, by establishing the "Law of the Land". That is the "Common Law" that the Bill of Rights expresses.

The acknowledgement of this covenant with God under His Law was made clear by a committee of three, John Adams, Thomas Jefferson and Benjamin Franklin that were chosen to author our founding document, the Declaration of Independence in 1776. This same committee of three was again chosen by the Continental Congress to work on and submit a national seal design for approval. Jefferson, in the representation of the Law of the Land and our structure of government, designed an illustration of the Israelites' exodus out of slavery and bondage from Egypt.



Benjamin Franklin had an idea similar to Jefferson's and wanted to also illustrate a scene from the Exodus of the Israelites. The seal would show Moses parting the Red Sea with Pharaoh and his chariots being overwhelmed by the waters with the motto: Rebellion to tyrants is obedience to God. Thomas Jefferson became so enamored with this motto he incorporated it for his own personal seal design.



In 1782, Congress rejected the Jefferson and Franklin designs and instead adopted a two sided seal designed by Charles Thomson. His seal gave allegiance to a secret society that symbolically made the point within the seal that there was already a conspiracy to supplant the Law of the Land (God) with the civil law of man (under a new world order). Franklin was not happy with the eagle, as he explained in a letter to his daughter: "*For my own part, I wish the Bald Eagle had not been chosen as the Representative of our Country. He is a Bird of bad moral Character. He does not get his living honestly. You may have seen him perched on some dead Tree near the River, where, too lazy to fish for himself, he*

watches the Labor of the Fishing Hawk; and when that diligent Bird has at length taken a Fish,... the Bald Eagle pursues him and takes it from him."

In 1789, ~~We~~ the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity did ordain and establish the Constitution for the United States of America.

In 1791, ~~We~~ the People of the United States "*expressed a desire in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution*" RESOLVING THAT: this Bill of Rights "*to be valid to all intents and purposes, as part of the said Constitution.*"

The Bill of Rights thereby being the capstone of our Constitution, laid the foundation of our unalienable rights that expressed the Blessings of Common Law by which all law is measured in that all laws repugnant to Liberty are "*null and void*". Marbury v Madison

Therefore, by We the People calling upon God in 1776 desiring the righteousness of His Law, seeking the Blessing of His liberty in 1789 and proclaiming His unalienable rights in 1791, entered into an everlasting covenant with Him that no man can depose⁷. Now, being his children through adoption to whom pertained the covenants, the law and the promises⁸, He Put His laws into our mind and wrote them in our hearts and became to us a God. We became to him His People⁹ and He shall judge the world in righteousness, He shall minister judgment to the people in honor¹⁰; therein the Common Law!

God decreed concerning those who would attempt to unseat Him and overthrow His covenant and bind His people in a statutory bondage¹¹ saying:¹² "*it shall come to pass that the LORD will give His People rest from their sorrow, and from their fear, and from the hard bondage wherein they were forced to serve leviathan (novus ordo seclorum¹³); they will not rise and possess the land, nor fill the face of the world with their [dark] cities*" and

⁷ Genesis 17

⁸ Romans 8:15; 9:4-6; 11:24-27; Galatians 4:6

⁹ Hebrews 8

¹⁰ Psalms 9

¹¹ Exodus 6:5-6

¹² Isaiah 14

¹³ The phrase *Novus ordo seclorum* (Latin for "New order of the ages" (NWO); English pronunciation: /'nouvəs 'ɔ:rdou se'kleərəm/; Latin pronunciation: ['nɔwus 'o:rdɔ: se:'kle:rũ:]) appears on the reverse (or back side) of the Great Seal of the United States, first designed in 1782 and printed on the back of the United States one-dollar bill since 1935.

that he would rise up against them at the worlds darkest moment¹⁴ and "*sweep the children of iniquity with the broom of destruction.*" Of that day the Lord said: "*Surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand.*" "*In that day the LORD with his sore and great and strong sword will punish leviathan¹⁵ the piercing serpent, even leviathan that crooked serpent; and slay the dragon that is in the world.*" Therefore, ~~We~~ the Sovereign People will reestablish the Law of the Land and God will execute His Judgment upon all who offend.

In 1871, the 41st Congress acted without constitutional authority, an act of fraud (Organic Act of 1871), conspiracy and subversion against the United States of America attempting to depose our covenant with our creator and thereby establishing a totalitarian government unaccountable to ~~We~~ the Sovereign People, under foreign control, behind which the conspiratorial erosion of our Constitution began. Only ~~We~~ the Sovereign People can ordain and establish Laws¹⁶ and governments¹⁷. Only ~~We~~ the Sovereign People are endowed by the Creator with certain unalienable rights, governments are not! Therefore, all latter construction upon the Organic Act of 1871 is as "*null and void*" as is the Act itself, which attempted to supplant our Constitutional Republican Form of Government that our servants were entrusted to guarantee, by oath.

Article IV Section 4: The United States shall guarantee to every state in this union a republican¹⁸ form of government, and shall protect each of them against invasion;

Any court resting upon said Act is a de facto court¹⁹. Any judge acting under such fiction of law²⁰ denies due process²¹ and is acting in excess of their judicial authority²², in

¹⁴ Zephaniah 1:12-15

¹⁵ The collective body of the children of iniquity under the rule of Satan - Book of Revelation

¹⁶ **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

¹⁷ **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626.

¹⁸ **REPUBLIC:** A form of government which derives all its powers directly from the people where elected servants hold office for a limited period or during good behavior [not exceeding their vested powers] or at the pleasure of the people.

¹⁹ **DE FACTO GOVERNMENT:** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. Wortham v. Walker, 133 Tex. 255, 128 S.W.2d 1138, 1145.

²⁰ **FICTION OF LAW:** "Something known to be false is assumed to be true." Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621. "That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land." Hoke vs. Henderson, 15, N.C.15, 25 AM Dec 677. "A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible." Best, Ev. 419.

²¹ **DUE COURSE OF LAW**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.

collusion, under color of law²³, thereby losing judicial immunity²⁴. Therefore, any judicial reliance upon said act is injudicious, an act of seditious conspiracy to overthrow our Republican form of government. Any clerk failing to file common law documents, such as this, also enters into the seditious conspiracy.

18 U.S. Code §2385: Advocating overthrow of Government; 18 USC §2384: Seditious conspiracy with wide spread mutilating; and, 18 USC §2071: failing to file.

In 1878 seventy-five lawyers from twenty states and the District of Columbia met in Saratoga Springs, New York, to establish the American Bar Association (ABA), the minions of the "new order of the ages". Since that first meeting, the ABA has worked in the shadows infiltrating our government, our courts, our churches, our institutions and our media; demoralizing our children all in an effort to expunge our common law and replace it with civil law a/k/a Babylonian law, Justinian law, or Roman Law. Today, with about a half a million BAR members, they have perverted the rule of law, deprived ~~We~~ the Sovereign People of due process and have supplanted our Article III courts with jurisdictions unknown.

In November 1910, six men – Nelson Aldrich, Abram Andrew, Henry Davison, Arthur Shelton, Frank Vanderlip and Paul Warburg – met at the Jekyll Island Club, off the coast of Georgia, to write a plan to reform the nation's banking system. The meeting and its purpose were closely guarded secrets, and participants did not admit that the meeting occurred until the 1930s. But the plan written on Jekyll Island laid a foundation for what would eventually be the Federal Reserve System.

²² **EXCESS OF JUDICIAL AUTHORITY:** "Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process." Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. [Geiler v. Commission on Judicial Qualifications, (1973) 10 Cal.3d 270, 286];

²³ **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

²⁴ **JUDICIAL IMMUNITY:** "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." ... "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". ... "All law (rules and practices) which are repugnant to the Constitution are VOID". ... Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional. Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. Cooper v. O'Conner, 99 F.2d 133

In 1913, three unratified diabolical acts of Congress set the course for the destruction of the United States of America:

- 1) The Sixteenth Amendment which only appears to create an income tax²⁵, an act of extortion and a sponsor of debtor's prisons, in direct violation of the Constitution Article I Section 9 Clause 5. *"No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken."*
- 2) The Seventeenth Amendment destroyed the checks and balance of power in violation of the Constitution Article V, which states: *"no state, without its consent, shall be deprived of its equal suffrage in the Senate."* The 16th Amendment removed the States representation in Washington giving the Senate to the People who already had representation in congress thereby *"depriving states of its equal suffrage"*. Every State being sovereign has the ability to correct this unconstitutional amendment by the power of nullification, the Governor and two houses of each state need only recall their two unconstitutional senators and send two that will represent the will of the State.
- 3) The unconstitutional Federal Reserve Banking Act of 1913 gave control of America's economy to a private corporation owned by foreign bankers who answer to no one and regulate the value of worthless notes of debt called the dollar, robbed ~~We~~ the People of our gold and bankrupted America. Thomas Jefferson warned us when he wrote, *"I sincerely believe that banking institutions are more dangerous to our liberties than standing armies. The issuing power should be taken from the banks, and restored to the people to whom it properly belongs."* President Andrew Jackson stated in reference to the bankers at the state of his administration: *"You are a den of vipers and thieves. I intend to rout you out, and by the Eternal God, I will rout you out."*

This vile act of congress was in violation to the Constitution Article I Section 8 Clause 5 *"The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;"* and Article I Section 10 Clause 1. *"No state shall make anything but gold and silver coin a tender in payment of debts;"*

Charles A. Lindbergh, Sr., concerning the Federal Reserve Act, said: *"The financial system has been turned over to the Federal Reserve Board. That Board administers the finance system by authority of a purely profiteering group. The system is Private, conducted for the sole purpose of obtaining the greatest possible profits from the use of other people's*

²⁵ "Congress cannot by any definition (of income in this case) it may adopt, conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully expressed." *Eisner v. Macomber*, 252 U.S. 189; "In construing federal revenue statute, Supreme Court gives no weight to Treasury regulation which attempts to add to statute something which is not there." *United States v. Calamaro*, 354 U.S. 351 (1957), 1 L. Ed. 2d 1394, 77 S. Ct. 1138 (1957); "The 16th Amendment does not justify the taxation of persons or things previously immune. It was intended only to remove all occasions for any apportionment of income taxes among the states. It does not authorize a tax on a salary" *Evans V. Gore*, 253 U.S. 245

money... This establishes the most gigantic trust on earth. When the President [Wilson] signs this bill, the invisible government of the monetary power will be legalized....the worst legislative crime of the ages is perpetrated by this banking and currency bill ... From now on, depressions will be scientifically created."

The Federal Reserve was chartered by an act of deceit, through an act of congress when most had gone home for Christmas holiday on December 23rd, 1913. No recess had been called, while nearly every senator had gone home. Only three senators passed the act with a unanimous voice vote, 3-0. There were no objections.

James Madison, the main author of the U.S. Constitution wrote, "*History records that the money changers have used every form of abuse, intrigue, deceit, and violent means possible to maintain their control over governments by controlling money and its issuance.*"

1934 Congressman McFadden on the Federal Reserve Corporation Remarks in Congress:

"Mr. Chairman, we have in this Country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of these United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and iniquities of the Fed has cost enough money to pay the National debt several times over... This evil institution has impoverished and ruined the people of these United States, has bankrupted itself, and has practically bankrupted our Government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Fed and through the corrupt practices of the moneyed vultures who control it... "The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While being perpetrated, everything the world would rake up to sell us was brought in here at our expense by the Fed until our markets were swamped with unneeded and unwanted imported goods priced far above their value and make to equal the dollar volume of our honest exports, and to kill or reduce our favorite balance of trade. As Agents of the foreign central banks the Fed try by every means in their power to reduce our favorable balance of trade. They act for their foreign principal and they accept fees from foreigners for acting against the best interests of these United States. Naturally there has been great competition among foreigners for the favors of the Fed." (See evidence document Congressman McFadden Speech on House Floor 1934) at www.nationallibertyalliance.org/docket

TODAY, under legislation such as the Patriot Act and the creation of the Department of Homeland Security, ~~We~~ the ~~Sovereign~~ People are under attack by our very own elected and appointed servants. Our very way of life is in jeopardy because of the ignorance of the

meaning of words and the misuse of the way that government by consent that our founders framed for us has been abused.

According to the Southern Poverty Law Center (SPLC) Intelligence Report²⁶, proclaiming to be the nation's preeminent periodical monitoring the radical right in the United States, is fueling all government agencies and police departments into believing that anyone that uses specific words like militia, sovereign, oath keepers, constitution, patriots and even founding fathers, to name just a few, are armed, radicals and dangerous cop killers, whose names are put on the terrorist watch list. This agitation often causes police to over-react with excessive force and on a few occasions respond by SWAT when these words are used at traffic stops.

Much of the over-reaction that fuels the police comes from www.policemag.com that spews forth the lies of the Southern Poverty Law Center to unsuspecting law-enforcement agencies and departments. The SPLC is an arm of the BAR whose purpose is to excite violence by federal agents and police upon ~~We~~ the Sovereign People who are trying to make sense of our out of control federal judiciary and be free.

The fact of the matter is "In United States, SOVEREIGNTY RESIDES IN PEOPLE. The Congress cannot invoke the sovereign power of the People to override their will..."²⁷ "It will be admitted on all hands that with the exception of the powers granted to the states and the federal government through the Constitutions, THE PEOPLE OF THE SEVERAL STATES ARE UNCONDITIONALLY SOVEREIGN within their respective states."²⁸ "SUPREME SOVEREIGNTY IS IN THE PEOPLE - No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."²⁹ "SOVEREIGNTY ITSELF IS, OF COURSE, NOT SUBJECT TO LAW, FOR IT IS THE AUTHOR AND SOURCE OF LAW; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power..."³⁰

So how is it that patriotic People who claim to be sovereign and believe in the Constitution and insist that our elected servants keep their oaths are somehow home grown terrorists? ~~We~~ the Sovereign People are determined through this action to find out why.

²⁶ https://www.splcenter.org/intelligence-report?fb%5B0%5D=field_intel_report_issue%3A11691

²⁷ Perry v. US, 294 U.S.330

²⁸ Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997

²⁹ NY LAW § 2:

³⁰ Yick Wo v. Hopkins, 118 US 356, 370

POWER AND AUTHORITY



U.S. Seal adopted 1782

There is a war that has been raging since antiquity a war for our hearts and our minds, for our flesh, for our very souls; to bring all mankind under a one world order (novus ordo seclorum)³¹ as George Washington put it, *"orchestrated by a small group of cunning, ambitious, and unprincipled men"*³² who have subverted the power of the people and usurped for themselves the reins of government. They have put in the place of the delegated will of the nation the will of a small but artful and enterprising minority to make the public administration the mirror of their ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests."

*"There are only two fundamental traditions of law and government that are active among humanity, each manifesting contrary ideals: the common law and the civil law. The common law rests upon justice administered by scriptural principles that presuppose and guard against the inherent imperfections of human reason. The civil law, on the other hand, justifies its methods by presupposing and appealing to man's notions of perfected reason. The common law tradition governs only a handful of countries and is fundamentally consonant with Scripture, acknowledging the divine eternity of law as the measure of all things. The civil law tradition, on the other hand, governs most modern nations and is fundamentally Babylonian trusting human reason as the worthy measure of all things. The common law tradition recognizes the necessity of human administration of law and government, while providing safeguards against man's weaknesses."*³³

Legislated laws of men change with the times, serve agendas, serve governments, are incapable of mercy and demoralize men. Whereas, God's laws are the same yesterday, today and tomorrow, they serve God, serve man, benefit both victim and wrongdoer, provide for repentance, considers mercy, builds morals and save souls.

³¹ The phrase *Novus ordo seclorum* (Latin for "New order of the ages" (NWO); English pronunciation: /'nouvəs 'o:rdou se'kleərəm/; Latin pronunciation: [ˈnɔwus ˈo:ɾdoː seˈklo:rũː]) appears on the reverse (or back side) of the Great Seal of the United States, first designed in 1782 and printed on the back of the United States one-dollar bill since 1935. Soon after America became a new nation, the Continental Congress formed a committee to "prepare a device for the seal of the United States of North America". The committee consisting of Benjamin Franklin, John Adams and Thomas Jefferson on May 10, 1780, Congress rejected the design submitted by the committee. Then the matter was referred to the Secretary of Congress, Charles Thomson, who asked the assistance of William Barton, a prominent citizen of Philadelphia. Barton proposed two designs, then Thomson submitted his own, which, revised by Barton, was finally adopted in 1782.

³² Ephesians 2:2

³³ Excellence of the Common Law by Brent Winters, pg 45

We the Sovereign People ordained and establish a federal government to serve the following six directives:

(1) FORM A MORE PERFECT UNION;

Create a federal city³⁴, establish uniform naturalization rules³⁵, coin money³⁶, establish post offices, post roads³⁷, legislate counterfeiting³⁸ and piracy laws³⁹

(2) ESTABLISH JUSTICE;

Create courts⁴⁰, secured habeas corpus⁴¹, congress may not impose an income (direct) tax⁴², forbid BAR attorneys from holding office⁴³ and prevent misconstruction or abuse of powers⁴⁴.

(3) INSURE DOMESTIC TRANQUILITY;

Provide for the militia for the suppression of insurrections and repel invasions⁴⁵.

(4) PROVIDE FOR THE COMMON DEFENSE;

Raise and support armies, maintain a navy and make rules for the land and naval forces;⁴⁶

(5) PROMOTE THE GENERAL WELFARE

Promote the arts and science⁴⁷; make commerce regular⁴⁸; no taxes or duties on exports⁴⁹.

(6) SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY.

Guarantee a republican government, protect against invasion⁵⁰ enforce the law of the land⁵¹.

Our Constitution provided for a government that united the States as one unique Nation where *"no state is deprived of its equal suffrage in the Senate"*⁵², but insidious factions within all three branches of our government have conspired and have succeeded in

³⁴ Article 1 Section 8 Clause 17: To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; In September 1791, the commissioners named the federal city in honor of Washington and dubbed the district. In 1871 by the unconstitutional Organic Act of 1871 the District officially was renamed District of Columbia.

³⁵ Article 1 Section 8 Clause 4

³⁶ Article 1 Section 8 Clause 5

³⁷ Article 1 Section 8 Clause 7

³⁸ Article 1 Section 8 Clause 6

³⁹ Article 1 Section 8 Clause 10

⁴⁰ Article 1 Section 8 Clause 9

⁴¹ Article I Section 9 Clause 2

⁴² Article I Section 9 Clause 4

⁴³ Article I Section 9 Clause 8

⁴⁴ Bill of Rights

⁴⁵ Article 1 Section 8 Clause 15, Article 1 Section 8 Clause 16

⁴⁶ Article 1 Section 8 Clause 11, Clause 12, Clause 13

⁴⁷ Article 1 Section 8 Clause 8

⁴⁸ Article 1 Section 8 Clause 3

⁴⁹ Article I Section 9 Clause 5

⁵⁰ Article IV Section 4

⁵¹ Article VI Clause 2

⁵² Article V

depriving every state its equal suffrage, destroying all balance of power between the States through the passing as law the repugnant XVII Amendment a law specifically and explicitly FORBIDDEN by the Constitution itself.⁵³

Amendment X clearly stated that *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ARE RESERVED TO THE STATES RESPECTIVELY OR TO THE PEOPLE."*

All legislation by Congress that was not delegated to them is null and void and it is the duty of this Congress to READ and UNDERSTAND our Constitution and start obeying it because clearly they are not and in the day of reckoning, ignorance of the law will be no excuse!

The foundation of our Constitution is the Declaration of Independence which states: whenever any Form of Government becomes destructive to our unalienable rights such as life, liberty, pursuit of happiness and government by consent of the governed, it is the Right of the People to remove from office by indictment or recall any elected, appointed or hired servants who refuse to obey the Law of the Land. ~~We~~ the People have suffered a long train of abuses and usurpations by our government that perpetually pursued the same objective which revealed a design to reduce the People to living under absolute despotism, it is therefore our right and our duty to indict such tyrants and try them for treason in a court of Justice, such as this.

These tyrants have infiltrated our government from the very inception of our Nation and have labored continually deteriorating our Union taking the controls at every level of government. They have changed our federal city built upon righteousness and governed by our Creator's Law (Common Law) into a corporate state of greed and corruption controlled by foreign bankers and BAR attorneys. They have brought us to the very brink of World War III.

Tyrants in Congress have ignored and expunged the Peoples six directives: (1) instead of Forming a more perfect union, they have given our federal city, post offices and coining of money to foreign bankers and BAR attorneys; (2) instead of Establishing Justice, they have turned our courts to jurisdictions unknown, abolished habeas corpus, imposed an income tax that has destroyed the middle class and turned all law making over to the BAR who have abrogated the Law of the Land; (3) instead of Insuring Domestic Tranquility, they have abolished the militia and closed our armories; (4) instead of Providing for the Common Defense, they have kept our armed forces in a state of perpetual war; (5) instead of Promoting the General Welfare they have regulated commerce and instead of making commerce regular, they imposed unconstitutional sin taxes. Advancements in science health and technology have been hidden, inventors have been stifled and murdered; (6)

⁵³ Article V: "No state, without its consent, shall be deprived of its equal suffrage in the Senate"

instead of Securing the Blessings of Liberty, they have changed our Republic first into a democracy and now into an oligarchy.

There is a hidden hand that orchestrates events, our courts and our legislation through the insidious BAR. America is in shambles and our elected servants walk as blind men.

These tyrants within have denied us due process, they abrogated the common law, they have created federal debtors prisons (IRS), they rob our homes through non-judicial foreclosures, they steal our children in family court, they steal our parents and their estates in probate courts, they taint every grand and trial jury, they have created free speech zones, they have labeled patriots terrorists, they have destroyed our political process, they have stolen our free press, they have infringed upon our right to defend ourselves, they have destroyed our manufacturing base, they have chased out of America 88% of the top Fortune 500 companies, they have destroyed our economy, they have turned our dollar into debt, they have robbed our silver and gold, they have demoralized our children, they have opened our borders, they have used the BLM to terrorize American ranchers, miners and loggers in order to sell off America's resources to foreign countries, they have sold our postal systems to foreign corporations, they have brokered our electric company sales to foreign corporations, they spy on the ~~We~~ the People intercepting and storing all of our communications in case we become persons of interests.

Our servants take money (bribes) from special interest groups, thereby selling their vote and their soul to the highest bidder, usually on legislation that they don't even have the constitutional authority to pass in the first place, placing the will of the corporate world above the will of the People.

Acts of our servants are not to provide for special interest groups, not to divide us, not to establish statutory courts in jurisdictions unknown, not to establish laws that enslave the human spirit, not to keep us in perpetual war, not to demoralize us, not to destroy our prosperity, not to put us in harm's way, not to rob us of a proper education and not to lead us as lambs to the slaughter.

~~We~~ the People did not consent to any legislated powers that legislate our behavior or penalize wrongdoers. Common Law decrees that in order for there to be a crime there must be an injured party, and it is ~~We~~ the People, through an untainted grand jury, who are to decide if there is evidence to indict. It is ~~We~~ the People, through an untainted trial jury, who are to decide both the law and the facts. It is ~~We~~ the People, through an untainted trial jury, who are to decide guilt or innocence. It is ~~We~~ the People, through an untainted trial jury, who are to decide the penalty. Common Law decrees that for every injury there must be a remedy. Restitution is the remedy that has the power to restore both victim and wrongdoer.

The covenant made between God and His people in 1776 empowered ~~We~~ the People to self-government. George Washington said the United States was built upon: *"the fundamental maxims of true liberty"* and that *"the basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government."*

By God were all things created, that are in heaven, and that are in earth, visible and invisible, whether [they be] thrones, or dominions, or principalities, or powers: all things were created by him, and for him: And he is before all things, and by him all things consist and through His common law ~~We~~ the People are vested with unalienable rights, governments are not! Your power and authority is defined in the Constitution that ~~We~~ the People ordained and established. Therefore, be now cognizant that:

~~We~~ the People have been providentially provided legal recourse to address the criminal conduct of persons, ~~We~~ the People entrusted to dispense justice through juries formed by the People ourselves. We need not your permission; does the master seek leave from his servant? Let us remind you that the first known recorded grand jury that was formed by the People themselves to put the tyrant king back under the control of the law, was written by ~~We~~ the People who wrote their intentions and commands down on paper titled the "Magna Carter"! Not too much different than what ~~We~~ the People are doing herein!

Be now cognizant that: *"the grand jury is an institution separate from the courts, over whose functioning the courts do not preside ... the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three (3) Articles. It is a constitutional fixture in its own right. In fact, the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people... The grand jury's functional independence from the judicial branch is evident, both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. 'Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.'" United States v. John H. Williams; 112 S. Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; 1992*

Thus, ~~We~~ the People have the unbridled right by law and in law to empanel our own grand juries and present "True Bills" of information, indictments and presentments to a court of record, like this one, which is then required to commence a criminal proceeding.

Our Founding Fathers, with foresight, grafted into the common law Fifth Amendment, a "buffer" that ~~We~~ the People may rely upon for justice, when public officials, including judges, go rogue, act in bad behavior and criminally violate the law⁵⁴.

Be now cognizant that: BAR controlled federal and state court judges, by their presumed authority, contrary to their oath and duty, fraudulently claim the Constitution for the United States and its cap-stone Bill of Rights is abolished by statutes written by traitorous BAR members and passed by traitorous legislators, which are acts of conspiracy, treason and war against the United States of America and thereby ~~We~~ the People.

Be now cognizant that: ~~We~~ the People Decreed by Writ Quo Warranto all said unconstitutional legislation null and void and declared all such subversives enemies of ~~We~~ the People of the United States of America and ordered all United States Marshals, Bailiffs, County Sheriffs and Deputies to arrest all such federal and state judges for conspiracy, treason and breach of the peace when witnessing the violation of Peoples' unalienable rights in our courts, in violation of Article III Section 3, for levying war against the people, adhering to the enemy, giving aid and comfort.⁵⁵

18 U.S. Code §2385 whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government⁵⁶ by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons [bar], knowing the purposes thereof - shall be fined under this title or imprisoned not more than twenty years, or both...

Be now cognizant that: because rights are unalienable, legislators cannot legislate (abolish) rights away no matter what the BAR has instructed you. Rights come from God and not man; therefore, not even ~~We~~ the People can give them up for ourselves or others. Once ~~We~~ the People ordained common law as the law of the land, no man can abrogate it; to claim to do so is an act of war against the People and their God.

Be now cognizant that: unconstitutional acts are not law⁵⁷, and no one is bound to obey them.⁵⁸ Judges are expected to maintain a high standard of judicial performance⁵⁹ and

⁵⁴ **UNITED STATES v. WILLIAMS**, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352; No. 90-1972. Argued Jan. 22, 1992. Decided May 4, 1992.

⁵⁵ **Article III Section 3**. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

⁵⁶ **Preamble** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. **Article I Section 8** To make rules for the government and regulation of the land and naval forces;

⁵⁷ "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." **Norton vs Shelby County** 118 US 425 p. 442

⁵⁸ "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16th American Jurisprudence 2d, Section 177 late 2nd, Section 256**

when they violate the Constitution, they cease to represent the government⁶⁰, become liable for damages⁶¹ and lose any immunity they may have had⁶². *"State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights."*⁶³

Be now cognizant that: *"Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law...it invites every man to become a law unto himself...and against that pernicious doctrine, this court should resolutely set its face."* *Olmstead v U.S.*, 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944; *"Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."*⁶⁴ *"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."*⁶⁵

Be now cognizant that: the Unified United States Common Law Grand Jury (UUSCLGJ) is comprised of fifty Grand Jurys each unified amongst the counties within their respective States that were overwhelmingly unified by re-constituting Common Law Grand Juries in all 3,133 United States counties. All fifty States have unified nationally as an assembly of Thousands of People in the name of ~~We~~ the ~~P~~People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. ~~We~~ are the ~~P~~People and this Grand Jury will remain in session until we secure the nation from the tyrants at large and reinstate our Constitution.

Be now cognizant that: *"If anyone has been dispossessed without the legal judgment of his peers, from his lands, homes, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then it will be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for*

⁵⁹ "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." 28 USCA 2411; *Pfizer v. Lord*, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).

⁶⁰ "...an...officer who acts in violation of the Constitution ceases to represent the government." *Brookfield Co. v Stuart*, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)

⁶¹ "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..." 70 AmJur2nd Sec. 50, VII Civil Liability.

⁶² "Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." *Firemens Ins. Co. of Newark, N.J. v. Washburn County*, 2 Wisc 2d 214 (1957)

⁶³ *Gross v. State of Illinois*, 312 F 2d 257; (1963)

⁶⁴ *Cohen v. Virginia*, (1821), 6 Wheat. 264 and *U.S. v. Will*, 449 U.S. 200

⁶⁵ *Ableman v. Booth*, 21 Howard 506 (1859)

all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein.” - Magna Carta Paragraph 52.

Be now cognizant that: We the People Command all elected, appointed and hired servants to obey the Law of the Land and join the People in our quest to reinstate the Constitution for the United States of America and bring to Justice all subverts. Now that you know, to do nothing elevates you to Principle, SOUND THE ALARM; TAKE A STAND!

18 U.S. Code §2 *“Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal”.*



DATED: December 13, 2016


Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, ME, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY, WI, WY;

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President, Elect;
State Governors (50); U.S. Supreme Court
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

**MEMORANDUM OF LAW IN SUPPORT
OF AUTHORITY OF THE GRAND JURY**

AUTHOR & SOURCE OF LAW

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts, And the law is the definition and limitation of power..."⁵ "Sovereignty" means that the decree of sovereign makes law, and foreign courts cannot condemn influences

¹ **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's - This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

⁵ Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

persuading sovereign to make the decree.”⁶ “The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative.”⁷ And “the state cannot diminish the rights of the people.”⁸ “Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.”⁹

We the People ordained and established the Constitution for the United States of America¹⁰. We the People vested Congress with statute making powers¹¹. We the People defined and limited that power of statute making¹². We the People limited law making powers to ourselves alone¹³. We the People did not vest the Judiciary with law making powers. We the People are the “judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law.”¹⁴

“The constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved ...”¹⁵

⁶ *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.;

⁷ *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

⁸ *Hurtado v. People of the State of California*, 110 U.S. 516.

⁹ NEW YORK CODE - N.Y. CVR. LAW § 2: NY Code - Section 2.

¹⁰ We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Preamble.

¹¹ Article I Section 1: ALL LEGISLATIVE POWERS herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

¹² Article I Section 8; To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

¹³ “Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power...” [Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit]

¹⁴ *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689.

¹⁵ Thomas Jefferson, letter to John Cartwright; June 5, 1824.

HAND BOOK FOR FEDERAL GRAND JURORS SUBVERTS THE AUTHOR & SOURCE OF LAW

The Federal Grand Jury Handbook, which was written by BAR judges, makes the following (eleven) foundational false claims thereby creating a statutory grand jury under government control and not the control of the People thus rendering use of these indictments a nullity. (1) The jury derives its authority from the Constitution, legislated statutes and the courts rules. (2) The first grand jury consisted of 12 men who were summoned. (3) Grand jurors originally functioned as accusers or witnesses, rather than as judges. (4) The Grand Jury hears only that evidence presented by United States Attorney. (5) A grand jury is not necessary for prison sentencing less than one year. (6) A person may waive grand jury proceedings and agree to be prosecuted. (7) The grand jury is not free to compel a trial of anyone it chooses. (8) The government attorney must sign the indictment before a party may be prosecuted. (9) The grand jury is to consult the government before undertaking a formal investigation. (10) The grand jury cannot investigate without government approval. (11) The grand jury is composed of 23 government qualified persons.

REBUTTAL TO THE FALSE CLAIMS OF THE HAND BOOK FOR FEDERAL GRAND JURORS AND PROOF POSITIVE OF ITS DECEPTIVENESS

(1) "The federal grand jury derives its authority from the rules of the federal courts."

See, page 1 Handbook for Federal Grand Jurors

REBUTTAL - The Jury is an unalienable right derived from God and the process by which we have government by consent of the People. Quoting US v Williams¹⁶ "Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists, and that the disclosure rule applied here exceeded the Tenth Circuit's authority. "[R]ooted in long centuries of Anglo-American history," *Hannah v. Larche*, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " *United States v. Chanen*, 549 F.2d 1306, 1312 (CA9 1977) (quoting *Nixon v. Sirica*, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between

¹⁶ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906)."

- (2) "The first English grand jury consisted of 12 men selected from the knights or other freemen, who were summoned to inquire into crimes alleged to have been committed in their local community." (see, page 1 HFGJ)

REBUTTAL - Magna Carta Paragraph 52 says that the first known grand jury organized themselves and acted under the authority of the Sovereign People and is made up of "*five and twenty jurors of whom mention is made below in the clause for securing the peace.*"

- (3) "Grand jurors originally functioned as accusers or witnesses, rather than as judges." (see, page 2 HFGJ)

REBUTTAL - Magna Carta, being the equivalent to our Declaration of Independence in the People being the consentors and the putting down of tyrants, Paragraph 52 says that the grand jury is the Sureties of the Peace whereas we read: "*If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government we will immediately grant full justice therein.*"

- (4) "The grand jury normally hears only that evidence presented by a United States Attorney" (see, page 3 HFGJ)

REBUTTAL - Again, the aforesaid would deny government by consent and place ~~We~~ the People in subjection to our servant prosecutor. Quoting US v Williams¹⁷ "*The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. 'Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury 'can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.'*" *United States v. R. Enterprises, 498 U.S. ----, ----, 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting*

¹⁷ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950)). It need not identify the offender it suspects, or even "the precise nature of the offense" it is investigating. *Blair v. United States*, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919)."

- (5) Handbook claims that "an infamous crime is one which may be punished by imprisonment for more than one year." This infers that an indictment is not necessary for legislated sentencing of crimes calling for less than a year imprisonment. (see, page 3 HFGJ)

REBUTTAL - The unalienable right of a grand jury is a part of due process of law and cannot be denied if the unalienable right of liberty hangs in the balance. Amendment V: *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury... nor be deprived of life, liberty, or property, without due process of law.*

- (6) "The person being investigated by the government may, however, waive grand jury proceedings and agree to be prosecuted by a written charge of crime called an information". (see, page 4 HFGJ)

REBUTTAL - The 5th Amendment denied the aforesaid conclusion when ~~We~~ the People said "No person shall be held to answer"¹⁸ therefore an information from a prosecutor in place of a grand jury indictment is repugnant and void for it too easily opens the door of abuse under color of law for extortion and vindictive prosecution.

- (7) "The grand jury is not completely free to compel a trial of anyone it chooses."
- (8) "The government attorney must sign the indictment before a party may be prosecuted. Thus, the government and the grand jury act as checks on each other. This assures that neither may arbitrarily wield the awesome power to indict a person of a crime." (see, page 4 HFGJ)

Rebuttal for 7 & 8: The aforesaid would deny government by consent and place ~~We~~ the People in subjection to our servant prosecutor. Quoting US v Williams¹⁹ "The grand jury requires no authorization from its constituting court to initiate an investigation, see Hale,

¹⁸ Amendment V: *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...*

¹⁹ *US v Williams* 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. See *Calandra*, *supra*, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6(c), and deliberates in total secrecy, see *United States v. Sells Engineering, Inc.*, 463 U.S., at 424-425, 103 S.Ct., at 3138. ... The grand jury remains "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it." *United States v. Dionisio*, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973)."

There is yet another respect in which respondent's proposal not only fails to comport with, but positively contradicts, the "common law" of the Fifth Amendment grand jury. Motions to quash indictments based upon the sufficiency of the evidence relied upon by the grand jury were unheard of at common law in England, see, e.g., *People v. Restenblatt*, 1 Abb.Prac. 268, 269 (Ct.Gen.Sess.N.Y.1855). And the traditional American practice was described by Justice Nelson, riding circuit in 1852, as follows:

"No case has been cited, nor have we been able to find any, furnishing an authority for looking into and revising the judgment of the grand jury upon the evidence, for the purpose of determining whether or not the finding was founded upon sufficient proof, or whether there was a deficiency in respect to any part of the complaint. . . ." *United States v. Reed*, 27 Fed.Cas. 727, 738 (No. 16,134) (CCNDNY 1852).

We accepted Justice Nelson's description *Costello v. United States*, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956), where we held that "it would run counter to the whole history of the grand jury institution" to permit an indictment to be challenged "on the ground that there was incompetent or inadequate evidence before the grand jury." *Id.*, at 363-364, 76 S.Ct., at 409. And we reaffirmed this principle recently in *Bank of Nova Scotia*, where we held that "the mere fact that evidence itself is unreliable is not sufficient to require a dismissal of the indictment," and that "a challenge to the reliability or competence of the evidence presented to the grand jury" will not be heard. 487 U.S., at 261, 108 S.Ct., at 2377. It would make little sense, we think, to abstain from reviewing the evidentiary support for the grand jury's judgment while scrutinizing the sufficiency of the prosecutor's presentation. A complaint about the quality or adequacy of the evidence can always be recast as a complaint that the prosecutor's presentation was "incomplete" or "misleading." Our words in *Costello* bear repeating: Review of facially valid indictments on such grounds "would run counter to the whole history of the grand jury institution[.] [and]

[n]either justice nor the concept of a fair trial requires [it]." 350 U.S., at 364, 76 S.Ct., at 409.

- (9) *"The grand jury may consider additional matters otherwise brought to its attention, but should consult with the government attorney or the court before undertaking a formal investigation of such matters. This is necessary because the grand jury has no investigative staff, and legal assistance will be necessary in the event an indictment is voted."* (see, page 5 HFGJ)

REBUTTAL - Again, the aforesaid would deny government by consent and place ~~We~~ the People in subjection to our servant prosecutor. Quoting US v Williams²⁰ Recognizing this tradition of independence, we have said that the Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge'" *Id.*, at 16, 93 S.Ct., at 773 (quoting *Stirone*, *supra*, 361 U.S., at 218, 80 S.Ct., at 273).

- (10) *"A federal grand jury is not authorized to investigate situations involving the conduct of individuals, public officials, agencies, or institutions."* (see, page 5 HFGJ)

REBUTTAL - The aforesaid would place the government above reproach whereby they could prevent indictments against their own and again, would deny government by consent and place ~~We~~ the People in subjection to our servant prosecutor. Quoting US v Williams²¹ *"Given the grand jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury's evidence-taking process, but we have refused them all, including some more appealing than the one presented today. In Calandra v. United States, supra, a grand jury witness faced questions that were allegedly based upon physical evidence the Government had obtained through a violation of the Fourth Amendment; we rejected the proposal that the exclusionary rule be extended to grand jury proceedings, because of 'the potential injury to the historic role and functions of the grand jury.'* 414 U.S., at 349, 94 S.Ct., at 620. *Costello v. United States*, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956), we declined to enforce the hearsay rule in grand jury proceedings, since that "would run counter to the whole history

²⁰ *US v Williams* 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

²¹ *US v Williams* 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

of the grand jury institution, in which laymen conduct their inquiries unfettered by technical rules." Id., at 364, 76 S.Ct., at 409."

(11) *"The judge will then direct the selection of 23 qualified persons to become the members of the grand jury."* (see, page 6 HFGJ)

REBUTTAL - Magna Carta Paragraph 52 makes it clear that a grand jury is made up of 25 People not 23. *...if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace.*

RIGHT OF GRAND & PETIT JURY

LYSANDER SPOONER (An Essay on the Trial by Jury, 1852): *"...there can be no legal right to resist the oppressions of the government, unless there be some legal tribunal, other than the government, and wholly independent of, and above, the government, to judge between the government and those who resist its oppressions...."*

LYSANDER SPOONER (An Essay on the Trial by Jury, 1852): *"The authority to judge what are the powers of the government, and what are the liberties of the people, must necessarily be vested in one or the other of the parties themselves--the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with."*

Marston's, Inc. v. Strand, 560 P.2d 778, 114 Ariz. 260): *"Grand jury is [an] investigative body acting independently of either prosecutor or judge whose mission is to bring to trial those who may be guilty and clear the innocent."*

"Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length." United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

CONCLUSION: ~~We~~ the People have the unalienable right to consent, or not to consent, as to the government's accusations against the People.

All officers of the court (judge, prosecutor, appointed counsel, attorneys, Sheriffs/Marshalls and clerk), law enforcement agencies, US Marshalls and Legislators' of
Memorandum Grand Jury **Page 8 of 9** **www.NationalLibertyAlliance.org/docket**

statutes are employed by the government and/or are members of the BAR which teaches their members to be anti-constitutional and anti-common law, and thereby subversive. They are trained to place the letter of the law above the essence of common law, that being justice and mercy.

To allow our servants to control the jury would breed "absolute" government corruption and control which this paper with the Memorandum of Jury Nullification and present judiciary conditions conclusively proves. Therefore it is the unalienable right of ~~We~~ the People to provide for the administration of the grand and petit juries. The first recorded grand jury was established by the People through the Magna Carta, whereas the grand jury assembled itself and brought into subjection the tyrant king back under the will of the People; and today, now, so do ~~We~~ the People.



Dated: January 9, 2016


Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY 12207-2936 •

Unified United States Common Law Grand Jury¹

Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, et al
(complete list attached to summons)

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

**MEMORANDUM OF LAW IN
SUPPORT OF STANDING**

In the United States, the current doctrine is that a person cannot bring a suit challenging the constitutionality of a law unless the plaintiff can demonstrate that (s)he is or will "imminently" be harmed by the law. Otherwise, the court will rule that the plaintiff "lacks standing" to bring the suit, and will dismiss the case without considering the merits of the claim of unconstitutionality.

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² SURETIES OF THE PEACE: If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

In law, standing or locus standi⁴ is the term for the ability of a party to demonstrate to the court sufficient connection to and harm from the law or action challenged to support that party's participation in the case. Standing exists from one of three causes:

- 1) SOMETHING TO LOSE DOCTRINE: The party is directly subject to an adverse effect by the statute or action in question, and the harm suffered will continue unless the court grants relief in the form of damages or a finding that the law either does not apply to the party or that the law is void or can be nullified. This is called the "*something to lose doctrine*", in which the party has standing because they directly will be harmed by the conditions for which they are asking the court for relief.
- 2) CHILLING EFFECTS DOCTRINE: The party is not directly harmed by the conditions by which they are petitioning the court for relief, but asks for it because the harm involved has some reasonable relation to their situation, and the continued existence of the harm may affect others who might not be able to ask a court for relief. In the United States, this is the grounds for asking for a law to be struck down as violating the First Amendment, because while the plaintiff might not be directly affected, the law might so adversely affect others that one might never know what was not done or created by those who fear they would become subject to the law – the so-called "*chilling effects doctrine*".
- 3) ACT OF LAW: The party is granted automatic standing by act of law.⁵

In a Republic such as ours, the unalienable right(s) of the one trumps the will of the whole of society. If one or more of the blessings of liberty⁶ is in imminent danger of loss by one, they have the unalienable right of due process to secure that right(s). The defendants in the case before this court threaten the rights of both the one and the whole of society.

The Declaration of Independence was initiated by 56 People, the Constitution for the United States of America was initiated by 39 People and this Restoration of that Declaration and Constitution is herein initiated by more than 6,000 Grand Jurists a/k/a the "Sureties" of the Peace", on behalf of themselves, on behalf of those unable to articulate their case before the court and on behalf of the deceived that have been lulled to sleep by

⁴ LOCUS STANDI: A place of standing; standing in court. A right of appearance in a court of justice, or before a legislative body, on a given

⁵ Lee, Evan; Mason Ellis, Josephine (December 3, 2012). "The Standing Doctrine's Dirty Little Secret". Northwestern Law Review. 107: 169. SSRN 2027130 Freely accessible.

⁶ We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

the orchestrators of treachery. We are 110 jurists from Alabama, 41 jurists from Alaska, 217 jurists from Arizona, 47 jurists from Arkansas, 581 jurists from California, 171 jurists from Colorado, 110 jurists from Connecticut, 21 jurists from Delaware, 505 jurists from
 50 Florida, 172 jurists from Georgia, 57 jurists from Hawaii, 94 jurists from Idaho, 177 jurists from Illinois, 113 jurists from Indiana, 44 jurists from Iowa, 56 jurists from Kansas, 67 jurists from Kentucky, 73 jurists from Louisiana, 50 jurists from Maine, 112 jurists from Maryland, 81 jurists from Massachusetts, 268 jurists from Michigan, 82 jurists from Minnesota, 42 jurists from Mississippi, 115 jurists from Missouri, 68 jurists from
 55 Montana, 54 jurists from Nebraska, 75 jurists from Nevada, 56 jurists from New Hampshire, 117 jurists from New Jersey, 61 jurists from New Mexico, 439 jurists from New York, 206 jurists from North Carolina, 27 jurists from North Dakota, 165 jurists from Ohio, 72 jurists from Oklahoma, 147 jurists from Oregon, 306 jurists from Pennsylvania, 24 jurists from Rhode Island, 95 jurists from South Carolina, 41 jurists from South Dakota,
 60 119 jurists from Tennessee, 401 jurists from Texas, 116 jurists from Utah, 24 jurists from Vermont, 120 jurists from Virginia, 273 jurists from Washington, 45 jurists from West Virginia, 107 jurists from Wisconsin and 56 jurists from Wyoming. Simply said, we are “We the Resolved People of the United States of America” and “We are here to take back Our Republic”, courts of fiction notwithstanding.

65 In fulfillment of the “*something to lose doctrine*,” We the Resolved People are in jeopardy of losing our unalienable rights to tyrants who refuse to answer.

In fulfillment of the “*chilling effects doctrine*,” We the Resolved People are unjustly jailed; denied due process in courts of law; unconstitutionally taxed; tried in jurisdictions unknown; spied upon through our phones, TV’s, cars, emails and cameras everywhere; our
 70 children are stolen; our parents are robbed of the fruits of their life’s labors and enjoyment of their twilight years and we are robbed of our homes by detestable non-judicial foreclosures to name just a few.

In fulfillment of an “Act of Law” our founding fathers “*expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the*
 75 *Government, will best ensure the beneficent ends of its institution*”⁷ and thereby added to the Constitution a Bill of Prohibition being an Act of Law whereby We the Resolved People have declared and here today reiterate our standing.

⁷ Bill of Rights.

80 **CONCLUSION:** ~~We~~ the ~~Sovereign~~ ~~People~~ have unalienable rights under the Laws of
Natures God, a/k/a Common Law. ~~We~~ the ~~People~~ are not bound by statutes, codes or
regulations. Congress has no authority to codify and license our rights and no court has the
authority to enforce such repugnant statutes. ~~We~~ the ~~Sovereign~~ ~~People~~ provided for
ourselves, through the Constitution, Courts of Justice called Article III Courts, where ~~We~~
the ~~People~~ have Standing whether we are one or a thousand. Since Congress doesn't have
85 the backbone to start removing these seditious judges, acting in bad behavior, through
impeachment for robbing the People of their Standing, due process and Article III Courts
of Record they will in due time suffer the wrath of ~~We~~ the ~~Sovereign~~ ~~People~~ through
indictments and judgments in Courts of Record.

90 SEAL

Dated April 17, 2017


Grand Jury Foreman

95

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President, Elect;
State Governors (50); U.S. Supreme Court
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

**MEMORANDUM
JURY TAMPERING & STACKING**

**FEDERAL TRIAL HANDBOOK TAMPERS WITH THE JURY
AND ROBS THEIR SOVEREIGN RIGHT TO JUDGE**

The federal trial handbook, in an effort to taint and control the jury, repeats twelve (12) times that the judge is to decide the law and not the jury. Joseph Goebbels, Adolf Hitler's Propaganda Minister, said: *"If you repeat a lie often enough, people will believe it, and you will even come to believe it yourself."* Vladimir Lenin, the Russian communist revolutionary, said: *"A lie told often enough becomes the truth"*.

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² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's; This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

Twelve Lies (See evidence document at www.nationallibertyalliance.org/docket Federal Trial Jury Handbook:

- Page 1 The judge determines the law to be applied in the case, while the jury decides the facts.
- Page 3 The judge in a criminal case tells the jury what the law is. The jury must determine what the true facts are. On that basis, the jury has only to determine whether the defendant is guilty or not guilty of each offense charged. The subsequent sentencing is the sole responsibility of the judge. In other words, in arriving at an impartial verdict as to guilt or innocence of a jury defendant, the jury is not to consider a sentence.
- Page 8 The law is what the presiding judge declares the law to be, not what a juror believes it to be or what a juror may have heard it to be from any source other than the presiding judge.
- Page 9 It is the jury's duty to reach its own conclusion(s) based on the evidence. The verdict is reached without regard to what may be the opinion of the judge as to the facts maybe, although as to the law, the judge's charge controls.
- Page 9 In both civil and criminal cases, it is the jury's duty to decide the facts in accordance with the principles of law laid down in the judge's charge to the jury. The decision is made on the evidence introduced, and the jury's decision on the facts is usually final.
- Page 10 Jurors should give close attention to the testimony. They are sworn to disregard their prejudices and follow the court's instructions. They must render a verdict according to their best judgment.
- A juror should also disregard any statement by a lawyer as to the law of the case if it is not in accord with the judge's instructions.
- Finally on page 12 we read: The Sixth Amendment's guarantee of a trial by an impartial jury requires that a jury's verdict must be based on nothing else but the evidence and law presented to them in court. The words of Supreme Court Justice Oliver Wendell Holmes, from over a century ago, apply with equal force to jurors serving in this advanced technological age: "The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print."

What the author left out was that Justice Oliver Wendell Holmes also said: "*The jury has the power to bring a verdict in the teeth of both the law and the facts.*" In conclusion, the federal trial handbook wars against ~~We~~ the Peoples' unalienable right as the source and author of the Law of the Land in an attempt to subvert ~~We~~ the Peoples' unalienable right of government by consent. None of our founding fathers or supporters' of the Law of the Land, a/k/a common law, denies the unalienable right of We the Peoples' right of nullification.

The Criminal Pattern Jury Instructions developed by the U.S. Court of Appeals for the 10th Circuit for use by U.S. District Courts state:

"You, as jurors, are the judges of the facts. But in determining what actually happened that is, in reaching your decision as to the facts—it is your sworn duty to follow all of the rules of law as I explain them to you. You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. However, you should not read into these instructions or anything else I may have said or done, any suggestion as to what your verdict should be. That is entirely up to you. It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy. That was the promise you made and the oath you took."

FEDERAL JURIST QUESTIONNAIRE PROFILES AND PROVIDES FOR JURY STACKING

The federal questionnaire for Jurists, which asks many inappropriate questions, becomes a tool of trial judges and prosecutors to profile and stack the jury for favorable results for political favors. Some of the questions we have found on these questionnaires are as follows:

Dates of birth, work and marital status of the potential juror and all members of the juror's household; sex, age and employment of children who do not reside with the juror; education, knowledge of law, principal leisure time activities, civic, social, political or professional organizations to which the juror belong; lists of television and/or radio news programs, newspapers, magazines that the juror receives their propaganda from. Also, did the juror's, or member of their family, ever own a gun or belong to any kind of anti-gun or pro-gun club or organization or military service? Have juror's family members or friends ever been audited by or had a dispute with any agency or department of the United States Government including the IRS, Social Security Administration, Veterans Administration, etc. or any city or state government agency? Finally, the most revolting question which is couched in such a way that it leads the potential juror to conclude that the question is directly from the judge. "Do you have any ideas or prejudices that would hinder you from following the instructions that I [judge] will give as to the law?"

As Lysander Spooner, author of Trial by Jury 1852 so clearly pointed out: "*governments cannot decide the law or exercise authority over jurors (the People) for such would be absolute government, absolute despotism*". Such is our condition today and we the People are determined to end it, here, today, at this cross road!

For rebuttal of the Federal Trial Handbook, see Common Law Handbook for Jurors, Sheriffs, Bailiffs and Justices. Dated November 4, 2016.



DATED: January 9, 2016

Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. President Elect; U.S. Congress;
State Governors (50); U.S. Supreme Court
Respondents

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

**MEMORANDUM OF LAW IN SUPPORT OF
UNDERSTANDING FOUNDING DOCUMENTS**

SOVEREIGN AUTHORITY

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." - American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047. "A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges (We the People, Jurist)

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⁴ **AT LAW:** Bouvier's; This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

are the mirror by which the king's (Nature's God) image is reflected." 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

LAW OF THE LAND

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding." - Constitution for the United States of America, Article VI, Clause 2

OBSTA PRINCIPIIS⁵

The Supreme Court said: *"It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be Obsta Principiis."* - Boyd v. United, 116 U.S. 616 at 635 (1885)

LIBERALLY CONSTRUED

The purpose of a written constitution is entirely defeated if, in interpreting it as a legal document, its provisions are manipulated and worked around so that the document means whatever the manipulators wish. Jefferson recognized this danger and spoke out constantly for careful adherence to the Constitution as written, with changes to be made by amendment, not by tortured and twisted interpretations of the text.

ORDINARY UNDERSTANDING

Thomas Jefferson said: *"The Constitution to which we are all attached was meant to be republican, and we believe to be republican according to every candid interpretation. Yet we have seen it so interpreted and administered, as to be truly what the French have called, a monarchie masque (or oligarchy's mask). "Laws are made for men of ordinary*

⁵ OBSTA PRINCIPIIS: Lat. Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or nothing at pleasure.”⁶

“Common sense [is] the foundation of all authorities, of the laws themselves, and of their construction.⁷ The Constitution on which our Union rests, shall be administered by me [as President] according to the safe and honest meaning contemplated by the plain understanding of the people of the United States at the time of its adoption--a meaning to be found in the explanations of those who advocated, not those who opposed it, and who opposed it merely lest the construction should be applied which they denounced as possible.⁸ I do then, with sincere zeal, wish an inviolable preservation of our present federal Constitution, according to the true sense in which it was adopted by the States, that in which it was advocated by its friends, and not that which its enemies apprehended, who therefore became its enemies.”⁹

TWO MEANINGS

“Whenever the words of a law will bear two meanings, one of which will give effect to the law, and the other will defeat it, the former must be supposed to have been intended by the Legislature, because they could not intend that meaning, which would defeat their intention, in passing that law; and in a statute, as in a will, the intention of the party is to be sought after.¹⁰ On every question of construction carry ourselves back to the time when the Constitution was adopted, [See Federalist and Anti Federalist papers at www.NationalLibertyAlliance.org/docket] recollect the spirit manifested in the debates and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed.”¹¹

KENTUCKY RESOLUTIONS

“Where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy.¹² [The States] alone being parties to the [Federal] compact... [are] solely authorized to judge in the last resort of the powers exercised under it, Congress

⁶ Thomas Jefferson to William Johnson, 1823. ME 15:450.

⁷ Thomas Jefferson: Batture at New Orleans, 1812. ME 18:92.

⁸ Thomas Jefferson: Reply to Address, 1801. ME 10:248.

⁹ Thomas Jefferson to Elbridge Gerry, 1799. ME 10:76.

¹⁰ Thomas Jefferson to Albert Gallatin, 1808. ME 12:110.

¹¹ Thomas Jefferson to William Johnson, 1823. ME 15:449.

¹² Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:386.

*being not a party but merely the creation of the compact and subject as to its assumptions of power to the final judgment of those by whom and for whose use itself and its powers were all created and modified.*¹³ *The government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the Constitution the measure of its powers; but... as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.*¹⁴

THE CONSTITUTION IS NOT MOOT¹⁵

As the man who discovered America's Freedom Formula, Thomas Jefferson warned of those that read the Constitution as a legal document to be manipulated and worked around by tortured and twisted interpretations of the text so that the document means whatever the manipulators wish it to mean in order to empower themselves and or suppress others.

The Constitution is to be read according to the true sense in which it was adopted by the States. However, because of intellectual laziness, particularly in Law and our political process, and subversive factions that have infiltrated our government, our government servants with vested powers are unconstitutionally taught by and provided with for their use, an Army of BAR attorneys, minions of the oligarchy, who are trained to expand their powers at the cost of suppressing our Liberties. They have expanded the powers of our public servants to the point of making the servant the master and the master the servant. They make everything a controversy and claim our Constitution moot or out of date.

Our Constitution is simple to read. The only prerequisites are the ability to read and the use of a dictionary, that's it! For further expanding on the logic and the debate that resulted in our Constitution, see Federalist and Anti Federalist papers at www.NationalLibertyAlliance.org/docket

Our Constitution was written by ordinary men for men of ordinary understanding and interpreted by common sense. The Bill of rights states that the Constitution is to be read "*to prevent misconstruction or abuse of its powers*". As we read in the preamble, *We the People* need to first understand the Bill of Rights and use it as the ruler to prevent the servants we empower from going beyond their jurisdiction.

¹³ Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:387.

¹⁴ Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:380.

¹⁵ **MOOT**, adj. Blacks 4th: A subject for argument; unsettled; undecided. A moot point is one not settled by judicial decisions. A moot case is one which seeks to determine an abstract question which does not arise upon existing facts or rights. Adams v. Union R. Co., 21 R.I. 134, 42 A. 515, 44 L.R.A. 273.

"...THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution..." - Bill of Rights Preamble

WAR AGAINST THE CONSTITUTION

DESTRUCTION OF THE BALANCE OF POWER: Our Constitution provided for a balance of power that was laid waste by the unratified, unconstitutional 17th Amendment, which was specifically forbidden by the Constitution itself and therefore "null and void". Furthermore, the Seventeenth Amendment was never ratified and therefore it's not even a pretend law. See evidence document 17th Amendment Not Ratified.pdf at <https://www.nationallibertyalliance.org/docket> *"Truth is stranger than fiction, but it is because Fiction is obliged to stick to possibilities; Truth isn't."* - Mark Twain

United States Constitution Article V: *"The Congress... shall propose amendments to this Constitution ... which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified ... provided that ...no state, without its consent, shall be deprived of its equal suffrage¹⁶ in the Senate."*

United States Constitution Article 1 Section 3 *"THE SENATE OF THE UNITED STATES shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote."*

Clearly the Seventeenth Amendment deprives "ALL" States equal suffrage in the Senate! Thus, it is not a moot point! Therefore, like the Principle of the Kentucky Resolution written by Thomas Jefferson, the founder of our Republic, which stated that simply by *"declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring nullification to be the rightful remedy."* That is how the 17th amendment can be nullified. There need not be an act of Congress, there need not be an amendment; Governors and State Legislators need only come to a "resolution" and then declare, announce and act by removing the unconstitutional senators and sending their own Senators that will do the will of the state and restore the balance of power because *"An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had*

¹⁶ **SUFFRAGE:** A vote; the act of voting; the right of casting a vote.

never been passed." - Norton vs Shelby County 118 US 425 p. 442. *"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."* - 16th American Jurisprudence 2d, Section 177 late 2nd, Section 256.

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case con-formally to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they may both apply... Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void. This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society. It is not therefore to be lost sight of in the further consideration of this subject. If an act of the legislature, repugnant to the constitution, is void," - Marbury -v- Madison

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" - Miranda v. Arizona, 384 U.S.

By constitutionally correcting, through nullification and action, the said unconstitutional seventeenth amendment, nullification would then permit the states to review all passed acts since November 1913 giving both equal suffrage to the States and a great opportunity to eradicate many unconstitutional acts such as the Federal Reserve Act, enacted December 23, 1913; the patriot act; homeland security act and many more unconstitutional acts.

These tyrants in power have turned the "Bill of Rights" which was written to prevent misconstruction or abuse of government powers into a document of "Restriction of Rights" by turning common sense on its head. They have created "No free speech zones"; they have licensed our Liberties; they demonize, raid, arrest and terrorize people who assemble liberty meetings, teach common law, and question their authority; they refuse to answer the People. See No Free Speech Zone at www.NationalLibertyAlliance.org/docket.

These tyrants torture and twist to interpret the meaning of our right to bear arms for the militia only while Article I Section 8 Clause 16 divides the militia into two parts one employed in service and one ready for service, a/k/a the organized and the unorganized. The Militia Act of 1903 and most if not all State Constitutions makes it clear that the militia is "EVERY ABLE BODIED MALE". This immediately destroys the argument that the second amendment is moot.

Furthermore the bearing of arms is understood to be a "Military grade rifle" which is an automatic weapon. These tyrants have infringe upon our right to defend ourselves, our state and our nation by licensing weapons and making a law against automatic weapons as they continue to try and disarm us. They serve and execute warrants without sworn affidavits and "wet ink signatures". They try us in courts whose jurisdictions are unknown without a Grand Jury indictment and often without a trial jury or by puppet grand and trial juries, without sworn affidavits and without an injured party.

In conclusion the reading of the Federalist papers and the Anti Federalists papers bear absolute proof that the Constitution is not moot and was written by ordinary men with ordinary common sense meaning simply what it says; needing no BAR interpreter whose job it is to spread confusion and destroy the Constitution. Find Federalist papers and the Anti Federalists at www.NationalLibertyAlliance.org/docket.



Dated: January 9, 2017


Grand Jury Foreman

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Unified United States Common Law Grand Jury¹

Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, et al
(complete list attached to summons)

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

MEMORANDUM OF LAW IN SUPPORT OF THE COMMON LAW

Before any court can have authority to hear a case, they must have both personam and subject matter jurisdiction. Any court not a court of record⁴ has no authority to proceed without the consent of the persons involved. American courts are vested by **We the**

¹ **The UUSCLGJ** is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **COURTS OF RECORD and COURTS NOT OF RECORD** - The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

People, “the author and source of law”⁵, through constitutions⁶ written by We the People and jury nullification. Therefore, a court must first have “constitutional authority” over an individual and in criminal cases a court must have an indictment by an untainted grand jury. Furthermore, “all” state laws and constitutions are ultimately governed by the “Supremacy Clause” of the Constitution for the United States of America as ordained by We the People in Article VI, clause 2, that defines the “Law of the Land” which renders “any Thing in the Constitution or Laws of any State to the Contrary notwithstanding” [null and void]. Whereas the judge/magistrate retains his authority in Article III common law courts “only during good behavior” as defined in Article III, Section 1 and 2. And, “No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence”⁷ and “that which the law requires to be done or forborne to a determinate person or the public at large, correlative to a vested and coextensive right in such person or the public, and the breach of which constitutes negligence.”⁸

THE LAW

The definition of Law is that which is laid down, ordained, or established. It is “a rule or method according to which phenomena or actions co-exist or follow each other and must be obeyed or be subject to sanctions or legal consequences.”⁹ In our Republic, Common Law is the Law of the Land by which We the People chose to be judged when we “assumed among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle [us] them,” We the People further declared that, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights Governments are instituted among Men, deriving their just powers from the consent of the governed,” obedience to the Constitution, is the extent of that consent and no judge and no congress can alter that which We the People ordained, to alter is high treason.

⁵ “Sovereignty itself is, of course, not subject to law, for it is the author and source of law;” -- Yick Wo v. Hopkins, 118 US 356, 370.

⁶ That which is laid down, ordained, or established. Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

⁷ Ableman v. Booth, 21 Howard 506 (1859).

⁸ Railroad Co. v. Ballentine, C.C.A.111., 84 F. 935, 28 C.C.A. 572; Toadvine v. Cincinnati, N. O. & T. P. Ry. Co., D.C.Ky., 20 F.Supp. 226, 227.

⁹ Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

45 “With reference to its origin, “law” is derived either from (1) judicial precedents, from (2) legislation, or (3) from custom¹⁰.” Black’s Law Dictionary 4th Edition compiles and defines a complete collection of Terms and Phrases of American and English Jurisprudence, ancient and modern, listing Fifty-One different categories of law, they are categorized under the aforesaid three (3) derivatives as follows:

50 (1) LAW FROM JUDICIAL PRECEDENTS

Adjective Law - The collective of rules of procedure or practice	Equity Law - this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men.
Case Law - The aggregate of reported cases as forming a body of jurisprudence	Unwritten Law - All that portion of the law, observed and administered in the courts, which has not been enacted or promulgated.

(2a) LAW FROM LEGISLATION

Mercantile Law - An expression substantially equivalent to the law-merchant or commercial law;	Civil Law - A personal action which is instituted to compel payment, or the doing of some other thing which is purely civil
Bankrupt Law - A law for benefit and relief of creditors and their debtors	Probate Law - Originally, relating to proof; afterwards, relating to the proof of wills

55 (2b) LAW FROM LEGISLATION

Apply only to government agents ...

Administrative Law - That branch of public law which deals with the various organs of the sovereign power considered as in motion (regulation of the military and naval forces, citizenship and naturalization)	Maritime Law - That system of law which particularly relates to commerce and navigation, to business transacted at sea or relating to navigation, to ships and shipping, to seamen, to the transportation of persons and property by sea, and to marine affairs generally.
Admiralty Law - An action directed against the particular person who is to be charged with the liability	Penal Laws - Statutes which prohibit an act and impose a penalty for the commission of it.
Arms, Law of - That law which gives precepts and rules concerning war	Prospective Law - One applicable only to cases which shall arise after its enactment.
Commercial Law - the term has come to be used occasionally as synonymous with "maritime law;"	Public Law - That branch or department of law which is concerned with the state in its political or sovereign capacity, including constitutional and administrative law, and with the definition, regulation, and enforcement of rights in cases where the state is regarded as the subject of the right or object of the duty
Criminal Law - the term may denote the laws which define and prohibit the various species of crimes and establish their punishments	Revenue Law - Any law which provides for the assessment and collection of a tax to defray the expenses of the government.
Flag, Law of - In maritime law, the law of that nation or country whose flag is flown by a particular vessel.	Statutory Law - An act of the legislature declaring, commanding, or prohibiting something enacted and established by the will of the legislative department of government;
International Law - The law which regulates the intercourse of nations; the law of nations.	
Military Law - A system of regulations for the government of an army.	
Municipal Law - Not the law of a city only but the law of the state.	
Local Law - A law which is special as to place.	

(2c) LAW FROM LEGISLATION

The following have no jurisdiction in the United States of America ...

Canon Law - A body of ecclesiastical jurisprudence	Parliamentary Law - The general body of enacted rules and recognized usages which governs the procedure of legislative assemblies and other deliberative bodies.
Citations, Law of - In Roman law. An act of Valentinian, passed A. D. 426	Personal Law - As opposed to territorial law, is the law applicable to persons not subject to the law of the territory in which they reside.
Ecclesiastical Law - The body of jurisprudence administered by the ecclesiastical courts of England; derived, in large measure, from the canon and civil law	Remedial Statute - One that intends to afford a private remedy to a person injured by the wrongful act.
Enabling Statute - The phrase is also applied to any statute enabling persons or corporations to do what before they could not. It is applied to statutes which confer new powers	Retrospective Law - Every statute which takes away or impairs vested rights acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability in respect to transactions or considerations already past.
Foreign Laws - The laws of a foreign country, or of a sister state.	Roman Law - In a general sense, comprehends all the laws which prevailed among the Romans, without regard to the time of their origin, including the
Forest Law - The system or body of old law relating to the royal forests.	
Marque, Law of - A sort of law of reprisal, which entitles him who has received any wrong from another and cannot get ordinary justice to take the shipping or goods of the wrong-doer, where he can find them within his own bounds or precincts, in satisfaction of the wrong.	

¹⁰ Sweet

60

<p>Martial Law - Exists when military authorities carry on government or exercise various degrees of control over civilians or civilian authorities in domestic territory.</p> <p>Oleron, Laws of - A code of maritime laws published at the island of Oleron in the twelfth century by Eleanor of Guienne.</p> <p>Organic Law - The fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization of its government.</p>	<p>collections of Justinian</p> <p>Special Law - One operating upon a selected class, rather than upon the public generally.</p> <p>Substantive Law - That part of law which creates, defines, and regulates rights, as opposed to "adjective or remedial law," which prescribes method of enforcing the rights or obtaining redress for their invasion.</p>
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(3) LAW FROM CUSTOM

<p>Absolute Law - The true and proper law of nature</p> <p>Common Law - As distinguished from law created by the enactment of legislatures</p> <p>Constitutional Law - the fundamental principles which are to regulate the relations of government</p> <p>Custom Law - Customs are general, local or particular, general customs are such as prevail throughout a country and become the law of that country</p> <p>Moral Law - The law of conscience; the aggregate of those rules and principles, of ethics which relate to right and wrong conduct and prescribe the standards to which the actions of men should conform in their dealings with each other.</p>	<p>Natural Law - [Lex Naturale] the law of nature [Jus Naturale] it is absolute law, the true and proper law of nature a/k/a "common law as distinguished from law created by the enactment of legislatures.</p> <p>Positive Law - Law actually and specifically enacted or adopted by proper authority for the government of an organized jural society.</p> <p>Private Law - the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals.</p>
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LAW OF THE LAND

65 Article III established Common Law, Equity Law, Admiralty Law and Maritime Law¹¹. Admiralty Law and Maritime Law are the law at sea whereas Common Law and Equity Law are the law of the land.

70 "**Equity and Justice** are substantially equivalent terms, if not synonymous."¹² "Under constitutional provision guaranteeing right to obtain justice, the justice to be administered by courts is not an abstract justice as conceived of by the judge but justice according to law or, as it is phrased in the constitution, "conformably to the laws."¹³

75 **Equity law** is the system of jurisprudence administered by the purely secular tribunals. In equity courts [contract courts], judges are to act under "American Jurisprudence" which is the philosophy of law, the knowledge of things divine and human, the science of what is right and what is wrong;¹⁴ the constant and perpetual disposition to render every man his due.¹⁵ It has no direct concern with questions of moral or political policy, for they fall

¹¹ Article III, Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more states; — between a state and citizens of another state; — between citizens of different states; — between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

¹² In re Lessig's Estate, 6 N.Y.S.2d 720, 721, 168 Misc. 889.

¹³ State ex rel. Department of Agriculture v. McCarthy, 238 Wis. 258, 299 N.W. 58, 64.

¹⁴ Dig. 1, 1, 10, 2; Inst. 1, 1, 1. This definition is adopted by Bracton, word for word. Bract. fol. 3.

¹⁵ Inst. 1, 1, pr.; 2 Inst. 56. See Borden v. State, 11 Ark. 528, 44 Am.Dec. 217; Collier v. Lindley, 203 Cal. 641, 266 P. 526, 530; The John E. Mulford, D.C. N.Y., 18 F. 455.

under the province of ethics and legislation.¹⁶ They are to meet out Justice which in the most extensive sense of the word differs little from virtue;¹⁷ for it includes within itself the whole circle of virtues. Justice, being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought."¹⁸

The law of nature [*Jus Naturale*] is Natural law [*Lex Naturale*]; it is absolute law, the true and proper law of nature¹⁹ a/k/a "common law as distinguished from law created by the enactment of legislatures. Common Law is the use of legal principles to discover by the light of nature or abstract reasoning comprised of the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of ancient antiquity."²⁰

"The Supreme Court shall have appellate jurisdiction, both as to law and fact..."²¹ in all "cases in equity" thereby becoming the final arbitrator and maker of case law, governed by American Jurisprudence²² under the rules of Common Law; The Supreme Court has NO APPELLATE authority over cases "in Law" a/k/a Jury trials with the one exception of protecting an individual if an unalienable right of the same is violated. Federal District Court Judges, when hearing a "case in equity" are governed by American Jurisprudence and case law under the rules of Common Law. In cases "in Law" Judges or Magistrates take on an administrative role, with no summary judgement powers, **whereas the Jury, a/k/a Tribunal of 12 People, is the final arbitrator deciding the facts, law and remedy** with the power of nullification and mercy. This is called a "court of record" from which there is no appeal, as we read:

"The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." -- Ex parte Watkins, 3 Pet., at 202-203 cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).

¹⁶ Sweet.

¹⁷ Luke 6:19 "And the whole multitude sought to touch him [Jesus]: for there went virtue out of him, and healed them all."

¹⁸ Bouvier.

¹⁹ 1 Steph.Comm. 21 et seq.

²⁰ 1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.

²¹ Article III Section 2, Clause 2.

²² **JURISPRUDENCE:** The science of the law. By science here, is understood that collection of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

THE AUTHOR OF LAW

110 God is the author of Common Law, which He wrote in the hearts of men, thereby giving
 We the People both the knowledge of right and wrong and the unalienable right of We the
 People to judge each other through tribunals called Juries. We the People ordained
 Common Law in Amendment VII and Congress clearly followed suit and established it
 through 28 USC §132.

115 We the Sovereign People ordained and established the Constitution²³ which is the law of
 the land²⁴ to be obeyed by all elected, appointed and hired servants. We the People vested
 Congress with certain law making powers in Article I Section 8 among which we gave
 “NO LEGISLATED POWERS” to write ordinances, regulations, codes or statutes that
 would control the behavior of We the People or apply any set punishment upon We the
 People. That authority belongs to the People.²⁵

120 *“The very meaning of 'sovereignty' is that the decree of the sovereign makes
 law.”²⁶ “A consequence of this prerogative is the legal ubiquity of the king
 [Nature’s God]. His majesty in the eye of the law is always present in all his
 courts, though he cannot personally distribute justice.”²⁷ “His judges [juries]
 are the mirror by which the king's image is reflected.”²⁸*

125 Unalienable rights come from Natures God and are not subject to alienation; the
 characteristic of those things which cannot be bought or sold or transferred from one
 person to another, such as certain personal rights; e. g., liberty. Inalienable; incapable of
 being aliened, that is, sold and transferred.²⁹ Rights are defined generally as “powers of
 free action, not subject to legal constraint of another, being unconstrained, having power to

²³ We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

²⁴ Article VI, Clause 2: This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

²⁵ “Sovereignty itself is, of course, not subject to law, for it is the author and source of law;” – Yick Wo v. Hopkins, 118 US 356, 370.

²⁶ American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

²⁷ Fortesc.c.8. 2Inst.186.

²⁸ 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

²⁹ Black's 4th

130 follow the dictates of one's own will, not subject to the dominion of another and not
compelled to involuntary servitude.³⁰ Any statute that violates rights is null and void.

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness."*³¹

135 **STATUTES, CODES & REGULATIONS**

Congress was empowered under Article I Section 8. Clause 18: *To make all laws which shall be necessary and proper for carrying into execution the foregoing [17] powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.*

140 *"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself."*³² *"There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."*³³ *"Statutes that violate the plain*
145 *and obvious principles of common right and common reason are null and void."*³⁴ *"The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."*³⁵ *"A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."*³⁶ *"The State cannot diminish rights of the people."*³⁷ *"The Claim and exercise of a Constitutional Right cannot be converted into a*
150 *crime."*³⁸ *"If the state converts a liberty into a privilege the citizen can engage in the right with impunity"*³⁹ *"Laws are made for us; we are not made for the laws."*⁴⁰

Statutes are legislated law but, *"when a statute is passed in violation of law, that is, of the fundamental law or constitution of a state, it is the prerogative of courts to declare it void,*

³⁰ Black's 4th

³¹ Declaration of Independence.

³² Mugler v. Kansas 123 U.S. 623, 659-60.

³³ Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

³⁴ Bennett v. Boggs, 1 Baldw 60.

³⁵ Davis v. Wechsler, 263 US 22, at 24.

³⁶ Murdock v. Pennsylvania, 319 U.S. 105, at 113.

³⁷ Hertado v. California, 110 U.S. 516.

³⁸ Miller v. U.S. , 230 F 2d 486. 489.

³⁹ Shuttlesworth v Birmingham , 373 USs 262.

⁴⁰ William Milonoff.

or, in other words, to declare it not to be law;⁴¹ therefore, "an unconstitutional statute is
 155 not a law."⁴² The phrase 'at Law' "is used to point out that a thing is to be done according
 to the course of the common law; it is distinguished from a proceeding in equity."⁴³ "All
 codes, rules, and regulations are for government authorities only, not human/Creators in
 accordance with God's laws. All codes, rules, and regulations are unconstitutional and
 lacking due process..."⁴⁴ "All laws, rules and practices which are repugnant to the
 160 Constitution are null and void."⁴⁵ "The common law is the real law, the Supreme Law of
 the land, the code, rules, regulations, policy and statutes are "not the law."⁴⁶

"The general rule is that an unconstitutional statute, though having the form and name of
 law, is in reality no law, but is wholly void and ineffective for any purpose, since its
 unconstitutionality dates from the time of its enactment... In legal contemplation, it is as
 165 inoperative as if it had never been passed... Since an unconstitutional law is void, the
 general principles follow that it imposes no duties, confers no right, creates no office,
 bestows no power or authority on anyone, affords no protection and justifies no acts
 performed under it... A void act cannot be legally consistent with a valid one. An
 unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a
 170 statute runs counter to the fundamental law of the land, (the Constitution) it is superseded
 thereby. No one is bound to obey an unconstitutional law and no courts are bound to
 enforce it."⁴⁷

"The act of regulating; a rule or order prescribed for management or government; a
 regulating principle; a precept."⁴⁸ "Rule of order prescribed by superior or competent
 175 authority relating to action of those under its control."⁴⁹

We the Sovereign People are not under the management or control of government
 agencies, to the contrary, "governments are instituted among Men, deriving their just
 powers from the consent of the governed."⁵⁰ We the People vested Congress with the
 authority to write regulations for (1) commerce, (2) military and (3) government. All

⁴¹ Burrill.

⁴² John F. Jelke Co. v. Hill, 208 Wis. 650, 242 N.W. 576, 581; Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248.

⁴³ Blacks 4th

⁴⁴ Rodriques v. Ray Donovan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

⁴⁵ Marbury v. Madison, 5th US (2 Cranch) 137, 180.

⁴⁶ Self v. Rhay, 61 Wn (2d) 261.

⁴⁷ Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).

⁴⁸ Curless v. Watson, 180 Ind. 86, 102 N.E. 497, 499.

⁴⁹ State v. Miller, 33 N.M. 116, 263 P. 510, 513.

⁵⁰ Declaration of Independence.

180 federal agencies heads obviously have the authority to write regulations in order to manage
and the President can alter these regulations by executive order. Regulations are just
another word for policies and procedures.

CONCLUSION: We the Sovereign People have unalienable rights under the Laws of
Natures God, a/k/a Common Law. We the People are not bound by statutes, codes or
185 regulations. Congress has no authority to codify and license our rights and no court has the
authority to enforce such repugnant statutes. Any judge restraining said rights is in bad
behavior and will in due time suffer the wrath of the People through indictments and
judgments in Courts of Justice.

190 SEAL

Dated April 17, 2017


Grand Jury Foreman

195

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY;

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President, Elect;
State Governors (50); U.S. Supreme Court
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490
Magistrate: Lawrence E. Kahn
**MEMORANDUM OF LAW IN
SUPPORT OF ARTICLE III COURTS**

COVENANT⁵

It is by the following words in our founding document upon which all law rests whereby
We the People called upon God and made a covenant:

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare

¹ **The UUSCLGJ** is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of **We the People** to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's - This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

⁵ **Blacks 4th** An absolute covenant is one which is not qualified or limited by any condition and binds the heirs of the land.

the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Declaration of Independence.

God's covenant founded upon the law of the land is eternal⁶ and cannot be broken on behalf of another. This law is called common law because it is common onto all men or natural law because it is innate, written in the hearts of men⁷. Thereby the authority vested in *We the People* instituted by decree in our Constitution created a republican form of government to secure the blessings of liberty to ourselves and our posterity.

We the People through this Constitution empowered elected and appointed servants to guard the same. The Constitution cannot be altered or abolished by the legislative servants who took an oath to protect it. *"Any judge who does not comply with his oath to the Constitution for the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason"*⁸.

CREATION OF ARTICLE III COURTS

It is Article III Section 1 where authority is given to create courts. *We the People* vested power in only "One Supreme Court" and empowered Congress to ordain and establish inferior courts whereas judges hold office only so long as they are in good behavior.

Article III Section 1: *The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior...*

⁶ **Psalm 105:8-11** *He hath remembered his covenant forever, the word [which] he commanded to a thousand generations. He hath remembered his covenant forever, the word [which] he commanded to a thousand generations. Which [covenant] he made with Abraham, and his oath unto Isaac; And confirmed the same unto Jacob for a law, [and] to Israel [for] an everlasting covenant: Saying, Unto thee will I give the land of Canaan, the lot of your inheritance:*

⁷ **Jeremiah 31:33-34** *But this [shall be] the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people. And they shall teach no more every man his neighbour, and every man his brother, saying, Know the LORD: for they shall all know me, from the least of them unto the greatest of them, saith the LORD: for I will forgive their iniquity, and I will remember their sin no more.*

⁸ *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Good behavior is defined in Article VI as being obedient to the "Law of the Land" which is obedience to the common law. Therefore, any judge not in good behavior would be in bad behavior and forfeit's their office.

Article VI Clause 2 *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

LEGISLATIVE AUTHORITY TO CREATE ARTICLE III COURTS

Congress has been given power to create only Article III Courts of Record and equity ruled by American Jurisprudence. They have not been given power to create statutory courts a/k/a nisi prius⁹ courts.

Article I Section 8; Clause 9: *The Congress shall have power to constitute tribunals inferior to the Supreme Court; as referred to in Article III Section 1*¹⁰

28 USC §132 - *Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.*

AUTHORITY TO APPOINT JUDGES & COURT OFFICERS

Article II Section 2; Clause 2: *The President shall have power... to nominate ... by and with the advice and consent of the Senate, shall appoint ... judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law....*

⁹ NISI PRIUS: (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

¹⁰ Article III Section 1: The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

ARTICLE III COURTS

Our Constitution provides for courts of equity and courts of law, the former is a court not of record that is presided over by a Judge whose decision can be appealed; the latter is a court of record presided over by a tribunal a/k/a jury whose decision is final and cannot be appealed.

The judicial power shall extend to all cases, in law and equity... Article III Section 2.

COURTS OF EQUITY are courts not of record that do not have the power to fine or incarcerate, therefore, they cannot hear criminal cases. They proceed in equity¹¹ which is a body of jurisprudence¹² being a practical science that builds upon principles and self-evident truths synonymous with that of common law and the law of the land that all judges must obey. Equity supersedes the civil law in virtue meting out impartial justice¹³ between two persons whose rights or claims are 'in conflict; the tribunal is a Judge bound by oath and an appellate structure made up of three or more judges. If the claim is over \$20 either party has a right to choose a court of law which is trial by jury.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law. Amendment VII.

COURTS OF LAW are courts of record that proceed according to common law. All criminal cases require an injured party and the State cannot be the plaintiff. The tribunal is

¹¹ **EQUITY:** Black's 4th; Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law. *Laird v. Union Traction Co.*, 208 Pa. 574, 57 A. 987; It is a body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles. *Maine, Anc. Law*, 27; In a restricted sense, the word denotes equal and impartial justice as between two persons whose rights or claims are 'in conflict; justice, that is, as ascertained by natural reason or ethical insight, but independent of the formulated body of law. This is not a technical meaning of the term, except in so far as courts which administer equity seek to discover it by the agencies above mentioned, or apply it beyond the strict lines of positive law. See *Miller v. Kenniston*, 86 Me. 550, 30 A. 114.; In its most restricted sense, it is a system of jurisprudence, or branch of remedial justice, administered by certain tribunals, distinct from the common-law courts and empowered to decree "equity" in the sense last above given. Here it becomes a complex of well-settled and well-understood rules, principles, and precedents. *Isabelle Properties v. Edelman*, 297 N.Y.S. 572, 574, 164 Misc. 192.

¹² **JURISPRUDENCE:** The science of the law. By science here, is understood that connexion of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 *Ayl. Pand.* 3 *Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist*, 3.

¹³ **JUSTICE:** *Bouvier's Law:* In the most extensive sense of the word, it differs little from virtue, for it includes within itself the whole circle of virtues. Yet the common distinction between them is that that which considered positively and in itself, is called virtue, when considered relatively and with respect to others, has the name of justice. But justice being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought.; * *Luke 6:19* And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

a "free and independent jury" of twelve ~~P~~people whose decision is final and from which there is no appeal. It is ~~We~~ the ~~P~~people that bring an indictment and the People that decide the facts, law, remedy and/or penalty.

ADMINISTRATIVE COURTS are statutory courts that proceed according to statutes and do not yield to common law and our unalienable rights and whose end results are the will of the state. These courts do not have the power to fine or incarcerate and are called nisi prius¹⁴ courts. People are not obligated to participate in these courts unless they agree first. The law requires jurisdiction to appear on the record¹⁵. Some examples of these kinds of courts are housing courts, department of labor courts, compensation courts, village courts, town courts, etc... Congress has not been given authority to legislate statutory courts.

JURISDICTION OF ARTICLE III COURTS

Article III Section 2 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;

- to all cases affecting ambassadors, other public ministers and consuls;
- to all cases of admiralty and maritime jurisdiction;
- to controversies to which the United States shall be a party;
- to controversies between two or more states;
- between a state and citizens of another state;
- between citizens of different states;
- between citizens of the same state claiming lands under grants of different states,

and between a state, or the citizens thereof, and foreign states, citizens or subjects. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

TWO JURISDICTIONS

¹⁴ **NISI PRIUS:** (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

¹⁵ **JURISDICTION:** "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantanav. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150.; "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings" Hagans v. Lavine, 415 U.S. 528.

Federal Courts only have two jurisdictions, the jurisdiction of the sea and of the land.

- (1) "Admiralty and maritime jurisdiction" cases where international laws apply, law of the sea under jurisprudence.
- (2) "Law and Equity jurisdiction" all of the other cases above, law of the land bound by Article VI¹⁶.

COURTS THAT RESIST THE CONSTITUTION; Judges have a duty by oath to support the Constitution and guarantee a Republican form of government¹⁷. Any judge acting upon seditious legislative acts joins the conspiracy of subversion; *"if then the courts are to regard the constitution and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure."...* "It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime." - MARBURY v. MADISON, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

¹⁶ Article VI Clause 2: This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

¹⁷ Article IV Section 4: The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

CONCLUSION Congress has been given power to create only Article III Courts of Record and equity courts ruled by American Jurisprudence; a/k/a "United States District Court for the District". These courts proceed under the rules of Common Law and all judges are bound to the law of the land and hold office only when they are obedient to the law of the land.



Dated: January 9, 2016


Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

445 Broadway; Albany, NY. 12207-2936

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MR, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President; U.S. Supreme
Court, State Governors; John & Mary Doe, et al
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

Federal Form 7, pg. 106; 113th congress 2nd session

STATEMENT OF JURISDICTION

RULES OF CIVIL PROCEDURE FOR THE UNITED STATES DISTRICT COURTS⁵

(a) The plaintiffs are the assembly of **We the Sovereign People**, the authors of all law⁶ by right of the covenant of 1776, 1789 and 1791 with our creator under the common law at large.

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

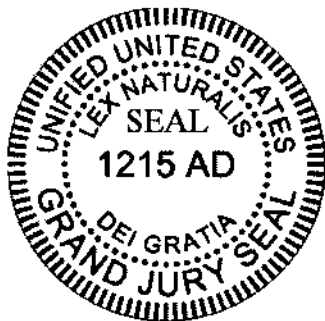
⁵ Effective September 16, 1938, as amended to December 1, 2014.

⁶ "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047. "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition

(b) This action arises under the United States Constitution in violation of:

Amendment I	Abridging the freedom of speech Infringing upon a free press Abridging the right of the people peaceably to assemble Abridging the right of petitioning the Government for a redress of grievances
Amendment II	Infringing the right of forming a well-regulated Militia Infringing the right of the people to keep and bear Arms
Amendment IV	Infringing the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures
Amendment V	Infringing the right of untainted Grand Jury indictment Infringing on the no twice in jeopardy right Infringing the right not to bear witness against oneself Infringing the right of due process of law
Amendment VI	Infringing the right to a speedy and public trial Infringing the right to an impartial jury Infringing the right to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him Infringing the right to have compulsory process for obtaining witnesses Infringing the right to Assistance of Counsel
Amendment VII	Infringing the right of trial by jury Infringing the right of the rules of the common law
Amendment VIII	Inflicting cruel and unusual punishments
Amendment IX	Denying other rights retained by We the Sovereign People
Amendment X	Infringing upon powers delegated to the States Infringing upon powers of We the Sovereign People
Articles I through VI	Non adherence to the Law of the Land, expanding jurisdictions under color of law.

(c) This COURT OF RECORD⁷ is a case of the jurisdiction of the land (Common Law) under the Law of the Land as intended by the Constitution for the United States Article VI clause 2.



DATED: December 13, 2016


Grand Jury Foreman

and limitation of power..." Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

⁷ COURT OF RECORD: "A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it Proceeding according to the course of common law" - Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689; Black's Law Dictionary, 4th Ed., 425, 426

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

445 Broadway, Albany, NY. 12207-2936

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY;

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President; U.S. Supreme
Court, State Governors; John & Mary Doe, et
al

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

JUDICIAL NOTICE

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

Federal Form 7, pg. 106; 113th congress 2nd session

COURT IS TO TAKE JUDICIAL COGNIZANCE⁴

We the People have been providentially provided legal recourse to address the criminal conduct of persons themselves entrusted to dispense justice. In the Supreme Court case of United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992), Justice Antonin Scalia, writing for the majority, confirmed that:

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² SURETIES OF THE PEACE: If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]

"The American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights."

The Court further said:

"Thus, citizens have the unbridled right to empanel their own grand juries and present "True Bills" of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a "buffer" the people may rely upon for justice, when public officials, including judges, criminally violate the law."

"Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no "supervisory" judicial authority exists."

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury

normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a)."

"The grand jury requires no authorization from its constituting court to initiate an investigation, see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6(c), and deliberates in total secrecy, see United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138."

"The grand jury remain 'free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it.' United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973). Recognizing this tradition of independence, we have said that the Fifth Amendment's 'constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge ' . . . ' Id., at 16, 93 S.Ct., at 773 (quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273)."

The passage of the unconstitutional Organic act of 1871 and all later construction upon it that Judges have covertly use to seized control of our federal district courts in an effort to bypass the Law of the Land in order to ensure the abusive will of the State, was

an act of treason; thereby, waring against the Constitution and We the People. Therefore, it is null and void.

"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." - Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

THIS IS AN EXTRAORDINARY PROCESS

This is a case concerning subversion by enemies both foreign and domestic within our government, including our federal judiciary. We the People have reported these subversions over the past year in all ninety-four federal district courts through "Informations" and the federal judiciary has not acted upon them. We the People over the past year have served writs upon all servants within our federal government demanding obedience to the Law of the Land and have filed said writs in all ninety-four federal district courts and the response has been a deafening silence as our elected servants continue in their lawlessness. Therefore, We the People proceed as follows:

- 1) This is a Court of Record under the Peoples own authority⁵, see Statement of Jurisdiction, and will proceed according to the rules of common law, see the Common Law Handbook, a copy can be found at www.nationallibertyalliance.org/docket.
- 2) Federal rules will be adhered to in as much as they are not repugnant to the Law of the Land⁶.
- 3) The Common Law Grand Jury is normally comprised of twenty-five People. Due to the nature of this case there are approximately six thousand jurists representing all fifty States that make up this Grand Jury. When called into session, a quorum will be

⁵ **Preamble:** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

⁶ **Article VI, clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

made-up of 100 People. The Grand Jury will appoint four administrators, hereinafter the Sureties of the Peace, who will administrate and advise the juries when called upon by the jury foreman of the trial juries.

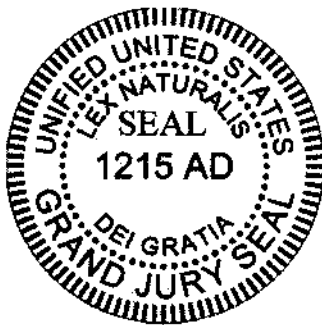
- 4) The Trial Juries⁷ will be made up of twelve People chosen from a pool that the Federal District Court already adheres to, the Grand Jury will provide an appropriate questionnaire. When cases become ripe for trial, the Sureties of the Peace will call upon the Magistrate to muster a jury and the jury will be orientated by the Sureties of the Peace.
- 5) Judges are Magistrates⁸ in courts of record and are entrusted with the administration of the laws; whereas, the People will decide both the facts and the law through an untainted Jury chosen according to the common law. Be advised that the Federal Grand Jury and Jury Hand Books are repugnant to the common law and thereby null and void. See 1011 Memorandum Jury Tampering & Stacking found at www.nationallibertyalliance.org/docket. Magistrates are to make no rulings without leave of the sovereigns of the court.
- 6) When elected servants are called upon to answer the Peoples demands for a redress of grievances, they are to answer in a sworn affidavit directly and not through an attorney. Any unsworn answers through an attorney will be considered a non-answer. Elected and appointed servants have a duty to speak. Silence will be equated with fraud and will be brought before the Grand Jury for consideration for indictment. After indictment, the prosecutor will give the defendant a copy of the indictment at the arraignment and the Voluntary Disclosure Form, which includes information about the case, such as the date, time and place of the crime, and of the arrest. The defendant will be informed about the substance of his statements and of his identification. The defendant will then enter a plea of guilty or not guilty to the indictment. Bail may be reviewed and different conditions may be set.
- 7) The Sureties of the Peace will appoint a Special Prosecutor.

⁷ In a court of record, the judicial tribunal (untainted trial jury) having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, proceeds according to the course of common law. *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689.

⁸ A person clothed with power as a public civil officer. *State ex rel. Miller v. McLeod*, 142 Fla. 254, 194; and see N.Y. CRC. LAW §30.

- 8) Once indicted, servants will be removed from office and have a right to counsel. If they cannot afford legal counsel they can petition the court and if they qualify the court will provide counsel.
- 9) *"It is the duty of all magistrates to exercise the power vested in them for the good of the people, according to law, and with zeal and fidelity. A neglect on the part of a magistrate to exercise the functions of his office, when required by law, is a misdemeanor."* Vide 15 Vin. Ab. 144; Ayl. Pand. tit. 22; Dig. 30, 16, 57; Merl. Rep. h. t.; 13 Pick. R. 523.

Dated: January 5, 2017


Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

U.S. Congress; U.S. President, Elect;
State Governors (50); U.S. Supreme Court
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Lawrence E. Kahn

**MEMORANDUM OF LAW
IN SUPPORT OF JURISDICTION**

AUTHORITY

The unalienable right of the sovereign People to self-governance was ordained by God, established in the Declaration of Independence and ordained by **We the People** who are the authority of all law. *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the*

¹ The UUSCLGJ is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of **We the People** to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's; This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” Any servant who resists these truths “Wars against the Governor of the Universe and Wars against ~~We~~ the People”.

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power...” - Yick Wo v. Hopkins, 118 US 356, 370

We the Sovereign People of the United States of America on March 4th 1789 birthed a Nation “...in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity ordained and established this Constitution for the United States of America.” - Preamble

We the People ordained through Article III Section 1 the creation of one Supreme Court with vested judicial powers and also ordained Congress with the authority to ordain and establish inferior courts with vested judicial powers.

28 U.S. Code § 132 - Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

In Article III Section 1, ~~We~~ the People established that judges may hold their office only during “good behavior” which we defined in Article VI clause 2 whereby, “obedience to the supreme law of the land” is good behavior.

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the

authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Failure of a judge to be in good behavior⁵ requires removal from office.

CONGRESS IS A CREATURE⁶ OF THE LAW WITH CLIPPED AUTHORITY⁷

In the unauthorized creation by the 41st Congress who acted without constitutional authority, an act of fraud, conspiracy and subversion against the United States of America in the creation of a foreign state within our Federal City. Only People can ordain and establish Laws⁸ and governments⁹. Only People are endowed by the Creator with certain unalienable rights; governments are not! Consequently, in congruence with Marbury v Madison, all latter construction based upon the Organic Act of 1871 is as null and void as is the Act.

Said Act attempted to supplant our Republican Form of Government that our servants were entrusted to guarantee. This criminally created a foreign venue¹⁰ (Sovereign State) proceeding under fiction of law¹¹. Any court resting upon said Act is a de facto court¹².

⁵ **FAILURE OF GOOD BEHAVIOR:** "Enumerated in statute as ground for removal of a civil service employee means behavior contrary to recognized standards of propriety and morality, misconduct or wrong conduct." State ex rel. Ashbaugh v. Bahr, 68 Ohio App. 308, 40 N.E.2d 677, 680, 682.

⁶ **ENS LEGIS.** L. Lat. Blacks 4th; A creature of the law; an artificial being, as contrasted with a natural person.

⁷ **CLIPPED SOVEREIGNTY:** In the relations of the several states of the United States to other nations, the states have what is termed a clipped sovereignty. Anderson v. N. V. Transandine Handelsmaatschappij, Sup., 28 N.Y.S.2d 547, 552.

⁸ **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

⁹ **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626.

¹⁰ **VENUE:** "Venue" does not refer to jurisdiction at all. Arganbright v. Good, 46 Cal.App.2d Super. 877, 116 P.2d 186. "Jurisdiction" of the court means the inherent power to decide a case, whereas "venue" designates the particular county or city in which a court with jurisdiction may hear and determine the case. Southern Sand & Gravel Co. v. Massaponax Sand & Gravel Corporation, 145 Va. 317, 133 S.E. 812, 813. Stanton Trust and Savings Bank v. Johnson, 104 Mont. 235, 65 P.2d 1188, 1189. In the common-law practice, that part of the declaration in an action which designates the county in which the action is to be tried. Sweet. Also, the county (or geographical division) in which an action or prosecution is brought for trial, and which is to furnish the panel of jurors. Armstrong v. Emmet, 41 S.W. 87, 16 Tex.Civ.App. 242; Paige v. Sinclair, 130 N.E. 177, 178, 237 Mass. 482; Commonwealth v. Reilly, 324 Pa. 558, 188 A. 574, 579; Heckler Co. v. Incorporated Village of Napoleon, 56 Ohio App. 110, 10 N.E.2d 32, 35. It relates only to place where or territory within which either party may require case to be tried. Cushing v. Doudistal, 278 Ky. 779, 129 S.W.2d 527, 528, 530. It has relation to convenience of litigants and may be waived or laid by consent of parties. Iselin v. La Coste, C.C.A.La., 147 F. 2d 791, 795.

¹¹ **FICTION OF LAW:** Something known to be false is assumed to be true. Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621. that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. Hoke vs. Henderson, 15, N.C.15, 25 AM Dec 677. A

Any judge acting under such fiction of law denies due process¹³ and is acting in excess of their judicial authority¹⁴, in collusion, under color of law¹⁵, thereby losing judicial immunity¹⁶. Therefore, any judicial reliance upon said act is injudicious.

WHEN COURTS RESIST THE CONSTITUTION

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." - 5 Downs v. Bidwell, 182 U.S. 244 (1901)

A LAW REPUGNANT TO THE CONSTITUTION IS VOID *"If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare, that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath*

rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. Best, Ev. 419.

¹² **DE FACTO GOVERNMENT**: One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. Wortham v. Walker, 133 Tex. 255, 128 S.W.2d 1138, 1145.

¹³ **DUE COURSE OF LAW**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunnmeyer 19 KAN 542.

¹⁴ **EXCESS OF JUDICIAL AUTHORITY**: Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. Geiler v. Commission on Judicial Qualifications, (1973) 10 Cal.3d 270, 286.

¹⁵ **COLOR OF LAW**: The appearance or semblance, without the substance, of legal right. State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." Atkins v. Lanning, 415 F. Supp. 186, 188.

¹⁶ **JUDICIAL IMMUNITY**: "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." ... "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". ... "All law (rules and practices) which are repugnant to the Constitution are VOID". ... Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional. Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. Cooper v. O'Conner, 99 F.2d 133.

which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure... Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." - Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" - Miranda v. Arizona, 384 U.S. 436, 491

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." - Ableman v. Booth, 21 Howard 506 (1859)

"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." - Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

"... that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land." - Hoke vs. Henderson, 15, N.C. 15, 25 AM Dec 677

WHEN AN OATH BECOMES EQUALLY A CRIME *"It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."* - Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

~~WE~~ THE PEOPLE ARE SOVEREIGN

Plaintiffs are free and independent sovereign People with the unalienable right of due process and with no contract with any administrative (foreign) court. Thereby, they owe

the State nothing and are under no obligation that would require the plaintiffs to seek leave from any servant who has no jurisdiction or authority over the plaintiffs. We are not "subjects of the state" but the "masters thereof":

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business.... The people of this state do not yield their sovereignty to the agencies which serve them. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..." - CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." - American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047

"Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that "if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers." - Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)

COURTS OF RECORD

PROCEED ACCORDING TO THE COURSE OF COMMON LAW

"Courts of Record and Courts not of Record the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded." - 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231

"A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." - Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689

"Decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." - Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)

A court of record is a superior court. A court not of record is an inferior court. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.

The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Note, however, that a "superior court" is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be.

COMMON LAW

Unalienable Rights are the spirit of Common Law, the Law of our Creator and not of man. All Law is to be understood in light of our Unalienable Rights. Any law repugnant to that spirit is by nature's Creator "Null and Void". The Law of the Land a/k/a the Constitution

for the United States of America [Article VI] and its Cap-Stone Bill of Rights, which is the Crown of our Law, were framed from the Declaration of Independence. These are all Common Law documents that were constructed upon Common Law Principles. To deny Common Law is to deny these documents.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. Declaration of Independence

Amendment VII - *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.*

"Synopsis of Rule of Law: The Supreme Court has the implied power from the United States Constitution to review acts of Congress and to declare them void if they are found to be repugnant to the Constitution." - Marbury v. Madison: 5 US 137 (1803); All cases which have cited Marbury v. Madison case, to the Supreme Court has not ever been over turned. - See Shephard's Citation of Marbury v. Madison.

"... This brings us to the second inquiry; which is, (2) If he has a right, and that right has been violated, do the laws of his country afford him a remedy? [5 U.S. §137, 163] The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court.

In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. 'In all other cases,' he says, 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.' And afterwards, page 109 of the same volume, he says, 'I am next to consider such injuries as are cognizable by the courts of common law. And herein I shall for the present only remark, that all possible injuries whatsoever, that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals, are, for that very reason, within the cognizance of the common law courts of justice; for it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.'

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*The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case. It behoves us then to inquire whether there be in its composition any ingredient which shall exempt from legal investigation, or exclude the injured party from legal redress. In pursuing this inquiry the first question which presents itself, is, whether this can be arranged [5 U.S. 137, 164] with that class of cases which come under the description of *damnum absque injuria*-a loss without an injury. ... If any statement, within any law, which is passed, § unconstitutional, the whole law is unconstitutional.” - **Marbury v. Madison: 5 US 137 (1803)***

“The Court of Appeals’ rule would neither preserve nor enhance the traditional functioning of the grand jury that the “common law” of the Fifth Amendment demands.” - United States v Williams

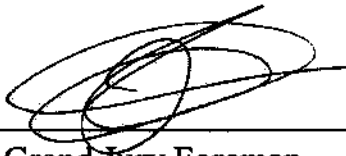
“If a federal town be necessary for the residence of congress and the public officers, it ought to be a small one, and the government of it fixed on republican and common law principles, carefully enumerated and established by the constitution. it is true, the states, when they shall cede places, may stipulate that the laws and government of congress in them shall always be formed on such principles.” - Anti Federalist No 41-43 (Part II)

“The 41st patagraph of the NYS Constitution provides that the trial by jury remain inviolate forever; that no acts of attainder shall be passed by the legislature of this State for crimes other than those committed before the termination of the present war. And that the legislature shall at no time hereafter institute any new courts but such as shall proceed according to the course of the common law, no legislation, in conflict with the Common Law, is of any validity.” - Anti Federalist No 45

*“The common law is sometimes called, by way of eminence, *lex terrae*, as in the statute of Magna Carta, chap. 29, where certainly the common law is principally intended by those words, *aut per legem terrae*; as appears by the exposition thereof in several subsequent statutes; ... This common law, or “law of the land,” the king was sworn to maintain. This fact is recognized by a statute made at Westminster, in 1346, by Edward III., which commences in this manner:” - Trial by Jury by Lysander Spooner*

CONCLUSION: All Article III courts are courts of record and are to proceed under the rules of common law. Common law is nature's law ordained by God. Constitutions are an unalienable right ordained by sovereign People. Legislators are bound by the chains of the Constitution and have no authority to create governments or write laws outside those bonds. Any judge resting in fiction of law proceeds under the color of law and losses all immunity. Decisions of such an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court.

Dated: January 13, 2017


Grand Jury Foreman